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Hæc olim meminisse juvabit.—Virgil.

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George Washington,

TO THE PEOPLE OF THE UNITED STATES, ANNOUNCING HIS INTENTION OF RETIRING FROM PUBLIC SERVICE.

(Concluded from page 387.)

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party; but in those of a popular character, in governments purely elective, it is a spirit not to be encouraged; from their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose: and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched; it demands an uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important likewise, that the habit of thinking in a free country, should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments into one, and thus to create, whatever be the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our own country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment, in a way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly over-balance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are the indispensible supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense, by cultivating peace, but remembering also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it;—avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in the time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations, cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which in-

dulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage; and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other betrays the former, into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to the concession to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concession; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld: And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, and sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insiduous wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided, instead of defence against it. Excessive partiality for one foreign nation, and excessive dislike to another, cause those whom they actuate to see danger only on one side, and serve to veil, and even to second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations, is in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions by attacks upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing: establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character;—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure—which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual cur-

heat of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations: But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles that have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness, in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEO. WASHINGTON.

United States, 17th Sept. 1796.

Revolutionary Naval Force.

The following has been published as a correct list of the American navy, in the year 1776 and part of 1777.

NAMES.	GUNS.	CAPTAINS.
Hancock,	32,	Captain Manly.
Randolph,	32,	Biddle.
Raleigh,	32,	Tompson.
Washington,	32,	Reed.
Warren,	32,	Hopkins.
Virginia,	28,	Nicholson.
Trumbull,	28,	Saltonstal.
Effinham,	28,	Barry.
Congress,	28,	Grinnell.
Providence,	28,	Whipple.
Alfred,	28,	Hinman.
Boston,	24,	Mc'Neil.
Delaware,	24,	Alexander.
Montgomery,	24,	Hodge.
Reprisal,	16,	Wicker.
Lexington,	16,	Hallock.
Cabot,	16,	Almy.
Andrew Doria,	14,	Robinson.
Providence,	12,	Paul Jones.
Sachem,	10,	Robinson.
Independence,	10,	Young.
Argo,	10,	Hacker.
Resistance,	16,	Chew.
Hamden,	12,	Hacker.
Fly,	8,	Lieutenant Warner.
Wasp,	8,	Baldwin.
Hornet,	8,	Albertson.

The Army and Navy.

Superficial observers of men and things have been surprised at the general success that has attended our public ships and private armed vessels, when compared with the too common disasters of the land forces. In the war against *Tripoli*, a school was opened in which the genius of our seamen made wonderful progress; and hundreds and thousands of the *sailors*, by *impressment*, or some other means, are as fully conversant in the whole business of a sea-fight as any of their adversaries: and hence, with superior excitements to deeds of bravery, they have *always* conquered with any thing like an equality of force. But in the army, not one in five hundred (taking out those who fought at *Tippecanoe*) had seen the least *real* service; and the old men who had gained laurels *thirty* or *thirty-five* years ago, must necessarily have forgotten, in the lap of profound peace, the greater part of the knowledge they acquired in *very early* life. Theory, with a scientific knowledge of the art of war, are admirable requisites to the construction of a soldier; but of themselves will not suffice: experience being absolutely necessary to the good government of an army. Gen. *Mack*, famous for his surrender at *Ulm*, was accounted one of the greatest *tacticians* in *Europe*, in his day; but many hundreds of *French sergeants* were really his superiors in the *business of a battle*. Our enemy, whose military fame, however, is not of the highest grade, has powerful advantages in this respect over us, for of her troops in *America* a majority of the regulars have "seen some service," and many of them, indeed, are ranked as *veterans*. In a lit-

the time we, also, shall learn how to fight on the land; and, as there are as brave spirits in the army as the navy can boast of, (and we gladly give our tars their full due) it cannot be doubted that as brilliant achievments are in store for this portion of the national force. So, indeed, it appeared already in every case where a fair chance was afforded them.

Of these matters, we ourselves do not pretend to have knowledge—but such are the opinions of those who ought to know something about them; and, as *reason* is on their side, we adopt them without hesitation.

United States' Sinking Fund.

REPORT OF THE COMMISSIONERS OF THE SINKING FUND.

The commissioners of the Sinking Fund report to congress as follows:

"That the measures which have been authorised by the board subsequent to their last report of the 5th February, 1812. So far as the same have been completed are fully detailed in the report of the secretary of the treasury to the board, herewith accompanying and which is asked to be received as part of their report.

(Signed by) WM. H. CRAWFORD,
President of the Senate pro tempore.
J. MARSHALL,
Chief Justice of the United States.
JAMES MONROE,
Secretary of State.
ALBERT GALLATIN,
Secretary of the Treasury.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of monies advanced on account of the public debt, remaining unexpended at the close of the year 1810, and applicable to payments falling due after that year, amounted to		*Dolls.* 493,174 17
Together with the sums disbursed from the treasury during the year 1811, on account of the principal and interest of the public debt, which sums amounted to eight millions one hundred and forty-eight thousand and ninety-five dollars,		8,148,095
Together with a further sum arising from profit in exchange on remittances from America to Europe, purchased during the year 1811, amounting to fifty-six thousand seven hundred and twenty-six dollars, fourteen cents,		56,726 14
And with the further sum of 4,000l. sterling in bills taken in payment of the principal of an equal sum of protested bills, and equal at par to		21,777 78
And amounting together to the sum of eight millions seven hundred and nineteen thousand seven hundred and seventy three dollars nine cents		8,719,773 09

Have been accounted for in the following manner:

I. There was repaid into the treasury during the year 1811, on account of the principal of monies heretofore advanced for the payment of public debt, including the amount of sundry bills of exchange, received in lieu of others previously purchased, which had been protested, the sum of one hundred and sixty-eight thousand four hundred and forty-four dollars forty-five cents,		168,444 45
II. The sums actually applied during the same year to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the treasury department, amounted to eight millions and forty-eight thousand eight hundred and fourteen dollars seventy-nine cents, viz.		
1. Paid in reimbursement of the principal of the public debt.	5,543,606 39	
2. Paid on account of the interest and charges on the same,	2,505,208 40	
		8,048,814 79
III. The balance remaining unexpended at the close of the year 1811, and applicable to payments falling due after that year, as ascertained by accounts rendered to the treasury department, amounted to five hundred and two thousand five hundred and thirteen dollars eighty-five cents,		502,513 85
Dollars,		8,719,773 09

That during the year 1812, the following disbursements were made out of the treasury, on account of the principal and interest of the public debt, viz.

I. On account of the interest and reimbursement of the domestic funded debt,		3,845,117 34
II. On account of the domestic unfunded debt,	945 04	
and of the debt due to foreign officers,	1,444 17	
		2,389 21
III. On account of the interest on Louisiana stock, and on converted stock payable in Europe		627,051 64
Amounting together, to four millions four hundred and seventy-four thousand five hundred and fifty-eight dollars nineteen cents,		4,474,558 19

Which disbursements were made out of the following funds, viz.

I. From the funds constituting the annual appropriation of eight millions of dollars, for the year 1812, viz.		
From the fund arising from the interest on the debt transferred to the commissioners of the sinking fund,	1,399,125 22	
From the fund arising from the sale of public lands, being the amount received into the treasury from 1st October, 1811, to 30th September, 1812	822,599 64	
From the proceeds of duties on goods wares and merchandize imported, and on the tonnage of vessels,	1,727,906 03	
Amounting together to		4,449,630 89
Which sum of	4,449,630 89	
being deducted from the annual appropriation of	8,000,000	
leaves an unexpended balance to be applied during the year 1813, in addition to the appropriation for that year of		3,550,369 11
II. From re-payments into the treasury on account of monies heretofore advanced for the payment of dividends on the domestic funded and unfunded debts,		24,927 30
		4,474,558 19
The above mentioned disbursements, together with the above stated balance which remained unexpended at the close of the year 1811, of		502,513 85
And together with the further sum arising from profit on remittances from America to Europe, purchased during the year 1812, and amounting to		91,532 88
Making together five millions and sixty-eight thousand six hundred and four dollars ninety-two cents,		5,068,604 92

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the treasury department.

That in the meanwhile, the manner in which the said sum has been applied is estimated as followeth:

I. The re-payments into the treasury on account of the principal of monies advanced for the payment of dividends on the domestic funded and unfunded debt have during the year 1812, amounted as before stated to		24,927 30
II. The sums actually applied during the year 1812, to the principal and interest of the public debt are estimated as follows:		
1. Paid in reimbursement of the principal of the public debt,	2,262,690 01	
2. Paid on account of interest and charges on the public debt,	2,422,060 14	
		4,684,750 15
III. The balance which remained unexpended at the close of the year 1812, and applicable to payments falling due after that year is estimated at		358,937 47
Dollars,		5,068,604 92

That in conformity with the resolution of the commissioners of the sinking fund of the 19th of June 1812, the residue of the converted stock was reimbursed at the close of the year 1812; and that in conformity with the resolution of the said commissioners, of the 6th July, 1812, 179,300 dollars of Louisiana domestic six per cent. stock, 14,000 dollars (nominal) of deferred six per cent. stock and fifty-seven thousand dollars of six per cent. stock of 1812, have been purchased previous to the thirty-first of December, 1812, having cost together 242,847 39. A statement also accompanies this report, which exhibits the amount of stock transferred to the commissioners of the sinking fund, and to the treasurer of the United States, in trust for said states, and standing on the books of the treasury on the 31st December, 1812, no stock having been transferred in payment for lands during the year 1812.

(Signed by) ALBERT GALLATIN,
Secretary of the Treasury.

Treasury Department, February 5th, 1812.

Accompanying this report were a number of statements, all of which are sufficiently explained by the details of the report, except the one mentioned in the last clause, of which the following is a transcript.

A GENERAL STATEMENT of the several Stocks transferred to the United States to the 31st of December, 1812, the interest of which by existing laws is appropriated for the redemption of the Public Debt.

	Old six per cent.	Three p. cent.	Deferred 6 per cent.	Five p. cent.	Five and a half p. cent.	Four and a half per cent.	Four p. cent.	Navy 6 per cent.	Eight per cent.	Exchanged six per cent.	Converted six p. cent.	Louisiana six p. cent.	Six per cent of 1812.	Am't. of the several species of stock.
Reimbursem't. of foreign debt to Dec. 31, 1809	-	-	-	8,200,000	-	820,000	3,180,000	-	-	-	-	-	-	12200000
of navy 6 per cent. stock	-	-	-	-	-	-	-	711700	-	-	-	-	-	711700
of the 5 1-2 per cent. stock	-	-	-	-	1,751,742	-	-	-	-	-	-	-	-	1751742
of the 4 1-2 per cent. stock	-	-	-	-	-	176,000	-	-	-	-	-	-	-	176000
of the 8 per cent. stock	-	-	-	-	-	-	-	-	5,302,900	-	-	-	-	5302900
of the exchanged 6 per cent stock	-	-	-	-	-	-	-	-	-	5,993,342	-	-	-	5993342
of the converted 6 per cent stock	-	-	-	-	-	-	-	-	-	-	1859770	-	-	1859770
Purchased with monies received on account of surplus of duties to end of year 1790	439,016	401,072	631,786	-	-	-	-	-	-	-	-	-	-	1471875
on acc't of loan of 2000000$ of Aug. 12, 1790	353,604	31,731	137,588	-	-	-	-	-	-	-	-	-	-	522923
out of the interest fund or applied therefrom	140,588	79,055	132,623	-	95,757	-	-	-	-	-	-	179300	57000	684326
out of monies arising from imports and tonnage and from public lands	-	-	-	-	-	-	-	-	1,056,700	300,007	-	-	-	1356707
In payment for lands sold under acts congress	65,308	85,877	20,968	-	1,400	-	-	-	122,900	700	80	-	-	297235
for land on lake Erie sold to Pennsylvania	60,449	60,718	30,224	-	-	-	-	-	-	-	-	-	-	151392
of certain balances which originated prior to the constitution	7,220	7,187	16,936	-	-	-	-	-	-	-	-	-	-	31344
In payment of commutation of certain military officers placed on the pension list	14,934	10,472	7,467	-	-	-	-	-	-	-	-	-	-	32873
In discharge of debts due to foreign officers	186,988	22,438	-	-	-	-	-	-	-	-	-	-	-	209426
of the registered debt per act June 12, 1798	86,566	-	-	-	-	-	-	-	-	-	-	-	-	86566
of loan office and final settlement certificates per same act	55,883	-	27,581	-	-	-	-	-	-	-	-	-	-	83470
Stock arising from specie, paid for service and supplies to 4th March, 1789	515,460	-	-	-	-	-	-	-	-	-	-	-	-	515460
Unapplied of 660,000$ 6 per cent. stock remitted on acc't of the Dutch debt in 1795	20,000	-	-	-	-	-	-	-	-	-	-	-	-	20000
TOTAL am't to the credit of commissioners of the Sinking Fund on 31st Dec. 1812.	1,946,026	698,555	1,005,179	8,200,000	1,848,900	996,000	3,180,000	711700	6,482,500	6,294,051	1859850	179300	57000	33459063

The nominal amount of the above species of stock, transferred to the 31st Dec. 1811, as stated in the preceding annual report, was . . $32,643,445

ADDITIONAL FOR 1812.—Converted six per cent. stock on interest from 1st Jan. 1813			565,318	
Louisiana six per cent. stock on interest from 1st July 1812		65,500		
Ditto	Ditto	1st Oct. 1812	8,000	
Ditto	Ditto	1st Jan. 1813	105,880	
			179,300	
Six per cent stock of 1812, on interest from 1st Oct. 1812			57,000	
Deferred six per cent		Ditto	14,000	
				815,618
As above stated				$33,459,063

Proceedings of Congress.

IN SENATE—THURSDAY, FEB. 18.

The bill vesting in the President of the United States the power of retaliation in certain cases therein specified, was read a third time, and passed by yeas and nays as follows:

YEAS—Messrs. Brent, Campbell of O. Campbell of Ten. Crawford, Franklin, Gaillard, Howell, Leib, Magruder, Reed, Robinson, Smith, of N. Y. Tait, Taylor, Turner, Varnum, Worthington—17.

NAYS—Messrs. Dana, Gilman, Goodrich, Lambert—4.

The resolution to amend the constitution of the United States, as proposed by North Carolina, was read the third time and passed as follows:

YEAS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of O. Campbell of Ten. Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Lambert, Leib, Pope, Reed, Robinson, Smith of Md. Smith of N. Y. Turner, Varnum, Worthington—22.

NAYS—Messrs—Dana, German, Gilman, Goodrich, Gregg, Horsey, Lloyd, Tait, Taylor—9.

Monday, February 22.—The bill concerning seamen and vessels of the United States, was read a third time and passed.

The treasury note bill was read a third time and passed by yeas and nays as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of O. Campbell of Ten. Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Robinson, Smith of N. Y. Tait, Taylor, Turner, Varnum, Worthington—18.

NAYS—Messrs. Bayard, Bradley, Giles, Gilman, Goodrich, Hunter, Lambert, Lloyd, Reed—9.

HOUSE OF REPRESENTATIVES.

Thursday, February 18.—The engrossed bill making the usual appropriations for the support of government for the year 1813, was read a third time and passed.

The house proceeded to consider the bill for the encouragement of private armed vessels, and after some time spent therein ordered it to be engrossed for a third reading.

The bill from the senate vesting the President of the United States with the power of retaliation in certain cases, was twice read and referred to the committee of foreign relations.

On motion of Mr. Cheves, the house went into a committee of the whole, Mr. Alston in the chair, on the bill regulating foreign coins.

☞[The bill provides that all foreign gold and silver coins shall be a legal tender, and fixes the value thereof, and limits the operation of the act to five years.]

The bill passed through the committee of the whole, was reported to the house and ordered to be engrossed and read a third time.

Friday, February 1.—Mr. *Grundy* submitted the following resolution:

"*Resolved*, That it is expedient that the thirteenth congress should assemble on the last Monday in May next, and that a committee be appointed to bring in a bill providing therefor."

On this resolution considerable debate ensued; it was supported and opposed on various grounds, and finally rejected, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Avery, Bacon, Bard, Barnett, Bibb, Blackledge, Brigham, Champion, Clay, Clopton, Condit, Crawford, Davis, Dawson, Findley, Fisk, Franklin, Gholson, Goodwyn, Grundy, B. Hall, Hawes, Hyneman, Little, Lowndes, Lyle, Macon, M'Coy, M'Kim, Morgan, Morrow, Newton, Ormsby, Pickens, Piper, Pleasants, Pond, Reed, Richardson, Rhea, Roane, Robertson, Sevier, Taliaferro, Troup, Turner, Whitehill, Williams, Winn—53.

NAYS—Messrs. Baker, Bigelow, Bleecker, Boyd, Brown, Burwell, Butler, Calhoun, Carr, Cheves, Chittenden, Cochran, Cutts, Davenport, Desha, Dinsmoor, Earle, Ely, Emott, Fitch, Gold, Goldsborough, Gray, Green, Grosvenor, O. Hall, Harper, Huffy, Jackson, Johnson, Kennedy, Kent, Lacock, Law, Lewis, M'Bride, Milnor, Mitchell, Mosely, Nelson, New, Newbold, Pearson, Pitkin, Potter, Quincy, Randolph, Roberts, Rodman, Sage, Sammons, Sawyer, Seaver, Shaw, Sheffey, G. Smith, J. Smith, Stanford, Stuart, Stow, Sturges, Tallmadge, Tallman, Tracy, Van Cortland, Wheaton, White, Widgery, Wilson, Wright—70.

Saturday, Feb. 20.—On motion of Mr. *Cheves*, the house resolved itself into a committee of the whole, Mr. Nelson in the chair, on the bill partially to suspend the non-importation acts, and to lay additional duties on foreign tonnage.

Messrs. Cheves, Bibb, and Roberts, spoke in favor of the bill, and Messrs. Wright and Potter against it.

Mr. *Wright* moved to strike out the first section of the bill, which contains the principle of the bill.

The question was taken on Mr. Wright's motion and carried.

For striking out	63
Against it	23

A motion was then made that the committee rise and report progress.—Carried.

The bill was reported to the house as amended, and the question of concurring with the committee in striking out the first section was decided by yeas and nays, 79 to 24, as follows:

YEAS—Messrs. Anderson, Archer, Bacon, Baker, Bard, Bigelow, Bleecker, Boyd, Breckenridge, Brigham, Brown, Burwell, Butler, Champion, Chittenden, Clay, Clopton, Crawford, Cutts, Davenport, Dawson, Desha, Earle, Ely, Emott, Fitch, Franklin, Gholson, Gold, Goodwyn, Green, Grosvenor, Hawes, Huffy, Jackson, Kent, Key, King, Lacock, Law, Lewis, Little, Lowndes, Lyle, Moore, M'Kim, Metcalf, Mitchell, Morgan, Mosely, Nelson, Newbold, Newton, Ormsby, Piper, Pond, Porter, Potter, Quincy, Reed, Richardson, Roane, Sage, Sammons, Seaver, Seybert, Shaw, Stanford, Sturges, Taggart, Taliaferro, Tallmadge, Tallman, Turner, Wheaton, White, Whitehill, Wilson, Wright—79.

NAYS—Messrs. Alston, Barnett, Bibb, Blackledge, Calhoun, Cheves, Cochran, Condit, Davis, Findley, Grundy, B. Hall, Harper, Hyneman, Johnson, Kennedy, M'Kee, Morrow, Pickens, Rhea, Roberts, Robertson, G. Smith, Strong—24.

Mr. *Wright* moved to recommit the bill to the committee of ways and means.—Motion lost.

The 2d, 3d, and 4th sections of the bill, being connected with and depending upon the 1st section, of course fell with it.

Mr. *Bibb* moved that the 8th section which limits the operation of the bill to the 1st day of January next, be striken out.

Before the question on Mr. Bibb's motion was decided, a motion was made to adjourn and carried—half past 4 o'clock.

Monday, February 22.—Mr. *Cheves* reported a bill making appropriations for the support of the military establishment and of the militia in the actual service of the United States for the year 1813; which was twice read and committed.

Mr. *Tallman* offered the following resolution for consideration, which was ordered to lie on the table:

"*Resolved*, that the committee of naval affairs be instructed to bring in a bill for the benefit of the officers and crew of the frigate Constitution, granting to them a sum not less than 100,000 dollars as a reward, for their gallantry in their late naval victory."

Mr. *Grundy* offered a resolution to the following effect, which after the rejection of a motion to lay it on the table, was agreed to by a large majority:

"*Resolved*, that a committee be appointed to enquire into the expediency of providing by law for an earlier day for the next meeting of congress than that fixed by the constitution."

Mr. *M'Kim* said that the house had been told that in consequence of the rejection of the bill for suspending the non-importation act, it would be absolutely necessary, in the course of the remainder of this short session, to devise a system of internal taxation for the support of the government. Under this view of the subject, he had turned his attention to the best subjects for taxation. At the last session a system had been introduced into the house, calculated to produce a revenue of something less than six millions of dollars. He had drawn up a resolution, the object of which was to lay a tax on distilled spirits. From the returns of the quantity distilled in the United States, it appeared that a du-

ty of 25 cents per gallon could produce a larger revenue than the whole of the 13 tax bills last session reported by the committee of ways and means. The advantage of a tax of this description over a direct tax or other taxes would, he said, be obvious; and he was persuaded that there was time enough to introduce and mature a bill for that purpose. To bring this subject before the house, he offered the following resolution:

"*Resolved*, that the committee of ways and means be instructed to report a bill to impose a duty on all spirituous liquors distilled in the United States, not to exceed an average of 25 cents per gallon, according to the degree of proof thereof."

The house having agreed to consider the resolution—

[Messrs *Wright* and *Quincy* supported, and Messrs. *Johnson*, *Grundy*, *Findley* and *M'Kee* opposed the resolution. In favor of it, it was said that it would equalize the burthens of the whole people; and against it observed that it would fall exclusively on the agriculturalists. Mr. Cheves had no objection to its forming a part of a system.]

The question was then taken by yeas and nays on this proposition, and decided as follows:

YEAS—Messrs. Bacon, Bigelow, Blackledge, Bleecker, Brigham, Burwell, Carr, Chittenden, Condit, Cutts, Davenport, Dinsmoor, Ely, Fitch, Gholson, Gold, Goodwyn, Green, Grosvenor, O. Hall, Hawes, Hufty, Jackson, Little, M'Kim, Mitchell, Morgan, Nelson, Nobold, Pond, Potter, Quincy, Richardson, Sawyer, Seaver, Shaw, Stow, Strong, Tallmadge, Tallman; Van Cortlandt, Wheaton, White, Whitehill, Williams, Wright—46.

NAYS—Messrs. Alston, Anderson, Archer, Avery, Baker, Bard, Barnett, Bassett, Bibb, Brown, Butler, Calhoun, Champion, Cheves, Clay, Cochran, Clopton, Crawford, Davis, Dawson, Desha, Earle, Emott, Findley, Franklin, Goldsborough, Gray, Grundy, B. Hall, Hyneman, Johnson, Kennedy, Kent, Key, King, Lacock, Law, Lewis, Lowndes, Lyle, Moore, M'Coy, M'Kee, Mitchell, Milnor, Morrow, Mosely, New, Newton, Ormsby, Pearson, Pickens, Piper, Pleasants, Porter, Ringgold, Rhea, Roane, Roberts, Robertson, Rodman, Sage, Sevier, Seybert, J. Smith, Standford, Stuart, Sturges, Sullivan, Talliaferro, Tracy, Troup, Turner, Wilson, Winn—75.

So the motion was negatived.

The house resumed the consideration of the unfinished business, viz. the remnant of the bill lately referred to the committee of ways and means.

The motion pending on the last adjournment, was, to strike out the 5th section, which prohibits the judges of the United States from giving up property under judicature, on the owner's giving bonds for refunding its value.

After considerable desultory debate, the motion to strike out the section was negatived.

For striking out the section	44
Against it	73

Mr. *Milnor* then moved to strike out the section of the bill which provides for laying an additional duty on foreign tonnage, and supported his motion in a speech of considerable length; to which Mr. Roberts, Mr. Bibb and Mr. M'Kim replied.

The motion was negatived by a large majority.

On motion of Mr. *Milnor*, a new section was added to the bill, limiting its duration to the continuance of the war.

The bill was ordered to be engrossed for a third reading, as amended, embracing in this form merely the provision for enforcing the non-importation act, and the duty on foreign tonnage, yeas 67, nays 45.

NAVAL HEROISM.

The following message was received from the President of the United States:

To the senate and house of representatives of the U. S.

I lay before congress a letter with accompanying documents from capt. Bainbridge now commanding the United States frigate the Constitution, reporting his capture and destruction of the British frigate "the Java." The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit, which prevail in our naval service. The signal display of both by capt. Bainbridge, his officers and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of congress the equity and propriety of a general provision allowing, in such cases, both past and further, a fair proportion of the value which would accrue to the captors, on the safe arrival and sale of the prize.

JAMES MADISON.

February 22, 1813.

[For the "letter and documents" alluded to, see "events of the war," page 410.]

On motion of Mr. *Newton*, the house resolved itself into a committee of the whole, Mr. Pickens in the chair, on the bill to prohibit any vessel of the U. States from trading under any pass or license from a foreign power.

The bill received several amendments in committee; but the committee rose without having gone through the same, and obtained leave to sit again.

Tuesday, Feb. 23.—Mr. *Seybert* presented a memorial from sundry naturalized citizens of Pennsylvania on the subject of the prince regent's proclamation relative to British subjects naturalized by the United States, and praying congress to make some provision on the subject. Referred to a committee of the whole house with the retaliation bill.

Mr. *Cheves* reported the treasury note bill, with the amendments of the senate thereto, to which the committee had made no amendment. The house concurred with the amendments.

Mr. *Gholson* from the committee of claims to whom was referred the resolution on the subject for making further provision for the militia that may be called out, reported that any other provision was inexpedient, which was concurred in by the house.

Mr. *Bassett* from the naval committee reported a bill to compensate captains Hull, Bainbridge and others, read twice and referred to a committee of the whole house for this day.

The following engrossed bills were read a third time and passed.

The bill for continuing the Mediterranean fund.

The bill providing an uniform mode of naturalization throughout the United States.

The bill for altering the time for holding district courts of the United States, for Virginia and New-York.

An engrossed bill forbidding the restoration of goods, wares, and merchandize, was read a third time.—[This is the fragment of the bill for suspending the non-importation law, after the cutting out of the four first sections.]

Mr. *Gold* opposed the passage of the bill, and moved to recommit it, but the motion was negatived by a majority of 20, and the bill passed.

The house in committee of the whole Mr. Lewis in the chair, took up the bill for compensating captains Hull, Bainbridge and others. A short discussion took place on the bill, when the blanks were filled with the words "one hundred thousand dollars," and the bill ordered to be engrossed for a third reading to-morrow.

[The house (in committee of the whole) spent some time in considering the bill for altering the time of the next meeting of congress, but come to no conclusion.]

Wednesday, Feb. 24.—After other business—

The bill for remunerating captains Hull and Bainbridge and others, was read a third time and passed by a majority of 22. There being 61 for, 39 against it.

The house being resolved into a committee of the

whole, again resumed the consideration of the bill for calling an extra session of congress.

After considerable discussion, the 4th Monday in May was fixed upon—the bill for that purpose finally *passed*, 76 to 33.

Events of the War.

Department of State, February 23.

Alien enemies residing or being within forty miles of tide water, are required forthwith to apply to the marshals of the states or territories in which they respectively are, for passports to retire to such places beyond that distance from tide water as may be designated by the marshals. This regulation, however, is not to be put in force without special notice against such alien enemies not engaged in commerce as were settled previously to the declaration of war in their present abode or are there pursuing some regular and lawful occupation unconnected with commerce, and who obtain, monthly, from the marshal of the district in which they reside, permission to remain where they are.

BOSTON, Feb. 20.—The following was posted up in the custom-house in this town yesterday: "No vessel will be permitted to leave this port for any port or place in the United States, or elsewhere, until the master has exhibited to the collector, a list of the passengers and crew of said vessel, and designating each by his name, the place of his birth and residence. The object of the above resolution is to prevent Aliens from travelling in the United States without passports, which will be furnished by the collector, agreeably to instructions from the secretary of the treasury."

MILITARY.

A letter to the editor of the Register from *Chilicothe*, dated the 17th inst. informs, that gen. *Harrison's* head-quarters were at the Rapids, at the latest account they had of him. Nearly the whole of the troops arrived with him; the greater part of the artillery was also there, and the remainder only 20 miles in the rear, moving onwards. The general had taken a strong position, fortified his camp and planted his artillery. The term of service of two brigades of *Ohio* militia having expired, it is intimated he may wait for reinforcements, from that state and *Kentucky*, now on the way to join him. From all that we see of *Harrison* we trust he will put in a good claim to the brilliant title the people of the country he is in delight to give him—"*The Washington of the West.*" It is stated that three persons sent by him with a flag of truce to the officer commanding the enemy have been murdered.

From the accounts we have of the success of the recruiting service in all parts of the United States, there are the strongest reasons to believe a number of regulars sufficient for all the purposes required will be had by the time they are wanted. Various detachments are about to proceed to the *Niagara* frontier, with a view, no doubt, to co-operate with general *Harrison*.

Previous to their adjournment, the legislature of *Kentucky*, authorised governor Shelby, to raise an army of three thousand men, and to take the field and command it in person.

A regiment of 1000 men, is allotted by the government of the United States to aid in the defence of the sea-coast of Virginia.

The general assembly of Virginia have passed an act to raise 8 companies of infantry, 2 of artillery, 1 of cavalry, and 1 of riflemen, in the whole about 1000 men, to be commanded by one col. one lieut. col. one major, to serve in the commonwealth alone. They are to be enlisted to serve during the war, to receive $20 bounty, and $8 per month—they have also authorised the expenditure of $50,000 for munitions of war, and directed the formation of two *depots*, one at *Richmond* and the other near *Norfolk*.

BRITISH HUMANITY, *Juggernaut "religion"* and *Spanish "liberty"*—or, in other words, a SHOCKING BARBARITY, such as *Englishmen*, cold blooded wretches, alone have ever *permitted* in civilized war. It freezes us with horror; and calls aloud for vengeance on the *allied assassins*. A terrible retribution is in store for the base and cowardly *murderers* of the wounded.

Extract of a letter from col. Porter, commanding at Niagara, to gen. Dearborn.

"The arrival of several of gen. Winchester's officers at Buffalo, last evening, confirms the late reports of that general, and his little army, having been killed or captured. Those officers state that such was the hellish ferocity of the savages after the battle, that *every person, who by wound or otherwise, was incapable of marching, was instantly and indiscriminately butchered* by them!!! The general and the remainder of his troops are now crossing at Fort Niagara. The field officers are refused their parole."

Extract of a letter from Black-Rock, Feb. 10, 1813.

We are quite inactive—merely guarding the shore—every officer is anxious to cross—as it is well ascertained the enemy have not more than from 250 to 300 men opposite this—and very few below. [It is presumed the *British* have been marched off to oppose *Harrison*.]

Important news (says the *New-York Gazette*) may soon be expected from the northward—as a letter from an officer, at Buffalo, to his friend here, dated the 13th inst. states that our army was to cross over to Canada in a night or two from that date. There are 1500 regulars at Buffalo.

NASHVILLE, Jan. 12.

On Sunday last the volunteers (2000 men) who were rendezvoused near this place, descended the Cumberland for New-Orleans. We understand the cavalry have moved also. They go by land.

ST. LOUIS, (M. T.) Dec. 12.

Clemency.—When gov. Edwards and col. Russell surprised the Kickapoo town, and during the pursuit of those savages, who had so lately imbrued their hands in the blood of our unoffending women and children: the brave militia disdained to shoot or cut down the Indian women and children who ran and squatted in hundreds amongst the long grass in the prairie. A friend of ours who was on that expedition, says, "when our men found six white scalps in one of the Indian houses, and recognized them to belong to O'Neil's wife and children, they were on the verge of retaliation, but more generous feelings gave place to revenge, and only one squaw was put to death.

Extract of a letter from Ogdensburg, dated Feb. 7.

Last evening capt. Forsyth, commandant at this post, left this village with about 200 volunteers, part from his own company, part from capt. Lydle's volunteers, and the remainder citizens, among whom were col. Benedict and other gentlemen of distinction. The detachment proceeded in sleighs up the river to Morristown, where they formed, and at 3 o'clock this morning crossed over to Elizabethtown, surprised the guard, took 52 prisoners, among whom were major Carley, 3 captains and 2 lieutenants, also 120 muskets, 20 rifles, 2 casks fixed ammunition, &c. but no private property was either taken or destroyed. All was effected without the loss of a single man.

Capt. Forsyth was led to this enterprise by the repeated aggressions of the British guards, who had been in the habit of crossing the river a few miles above this place, and taking the deserters, 16 of whom they had in the jail at Elizabethtown, threatened with being shot. Capt. F. being informed of this, determined to effect their liberation, in which he succeeded. One prisoner confined in the jail for murder he declined taking. Capt. F. speaks of the conduct of the officers and men in the highest terms of approbation. Two British officers from Prescott came over a few hours after the return of our troops with the prisoners, to effect their release. I understand they are all parolled, and are to return again to Canada this evening.

The movement of the troops on the other side indicating an attack on this place, col. Benedict was induced to call out his regiment of militia, so that we have now in Ogdensburg about 800 men; and should an attack be made from Prescott, I have the fullest confidence in our success. Indeed, from the high tone of our troops, it is difficult to restrain their ardor; and should they not be attacked from the other side within a few days, I should not be surprised were they to go over there.

FROM THE MONTREAL COURANT OF FEB. 6.

English accounts of the defeat of General Winchester.

GLORIOUS NEWS!—Last evening major Evans arrived from Niagara, who brought with him the official accounts of a glorious victory, obtained by col. Proctor over the army of gen. Winchester, on the 22d of January at the river Raisin. The following particulars we understand are correct. Col. Proctor, who commanded at Detroit, received advice on the 19th January, that gen. Winchester had advanced with eleven hundred men as far as the river Raisin, about 20 miles distant, on his way to attack Detroit. Col. Proctor took the resolution of going out with as many of the garrison to attack him, as he could spare. On the night of the 21st, he discovered gen. Winchester and his army in the village of Raisin, and at day-light on the 22d the attack commenced. The Americans were lodged in houses in the village, some of which were stockaded; however, after a bloody conflict the whole American army, with their general, were killed or taken. From the nature of the attack and the means the enemy had of defending themselves, col. Proctor's loss was great, it consisted of 182 killed and wounded, of whom 26 were killed, 2 officers were mortally wounded, 3 or 4 others slightly. Col. Proctor's force consisted of 300 regulars, 150 militia and some Indians.

We also hear that gen. Harrison with his division of the army, were within 5 or 6 days days march of gen. Winchester, in a starving condition surrounded by Indians.

Niagara, January 30, 1813.

SIR—Major Evans is just dispatched by the commanding officer, with the glorious intelligence of the entire destruction of another army.—Gen. Winchester with the remnant of his army amounting to upwards of 500 men, are prisoners of war to the brave 41st regiment and Upper Canada militia. In this business the bravery of every person engaged was most conspicuous, and great credit is due to the judgment and prompt decision of col. Proctor.

Our loss is great, about 27 killed and 155 wounded, including regulars and militia. Among the latter are col. St. George, capt. Tallon, and lieut. Clemon, of the 41st, capt. Mills, late of the schooner Nancy, and Mr. Gordon, of Amherstburg. The victory, however, is most complete, the number of the enemy killed being upwards of 500, and the prisoners are equal to the force we had engaged. The battle was fought at about 20 miles from Detroit, river au Raisin, on the 22d inst.

Joy unalloyed pervades all ranks here, and we are ready for another opportunity to convince the enemy, that he has no trifling difficulties to encounter before he conquers Upper Canada.

FROM THE MONTREAL HERALD OF FEB. 6.

Defeat of Gen. Winchester.—An attack was made on the 22d January on the American troops under the command of brigadier gen. Winchester by col. Proctor, at Frenchtown on the river Raisin, about 26 miles from Detroit. The enemy's force 1100, that of col. Proctor about 300 troops of the line and sailors, and 600 Indians.

RETURN OF PRISONERS TAKEN.

1 brigadier general, 1 colonel, 1 major, 9 captains, 6 lieutenants, 10 ensigns, 1 brigade major, 1 adjutant, 1 quarter master, 2 surgeons, 27 serjeants, 455 rank and file—total 493.

After the battle great numbers of more prisoners were bringing in by the Indians. They took another army, viz. 500 large hogs from Kentucky, and killed 100 men that had them in charge.

A large body of Americans are advancing towards Chicago, on lake Michigan, and the Indian chief Murpolot with 2000 Indians from the Mississippi, have gone against them.

We hear that gen. Harrison with his division of the army were within 5 or 6 days march of general Winchester in a starving condition and surrounded by Indians.

FORT GEORGE, 30th Jan. 1813.

Lieut. M'Clean, of the 41st arrived here yesterday with despatches for Quebec, from Amherstburg, bringing an official account of the capture of general Winchester's army, consisting of 30 officers and 552 men! exclusively of this number it is supposed that nearly 500 fell in the field of battle.

Colonel Proctor having received intelligence of the approach of brigadier general Winchester on the 18th inst. immediately assembled as large a force as his means would admit of, and proceeded against him. On finding him in possession of the village on the river Raisin, called Frenchman's town, about 26 miles from Detroit, he made immediate arrangements for attacking him in his strong position, which was gallantly carried at the point of the bayonet, after a determined resistance of an hour and a half.

This brilliant achievment has not been effected without a very serious loss on our part. Our killed amounts to 24 and wounded 158, two thirds of the latter of the 41st regiment—no officer among the former killed; but several are severely and I fear dangerously wounded.—Lieut. col. St. George, who led the attack, received four wounds, captain Tallan, and lieutenant Clemon, 41st; lieut. Troughton, R. A.—ensigns Kerr and Newfleds, lieutenants Rolette and Irvine; Mr. Richardson marine department, captain Mills, lieutenant M'Cormick, and lieutenant James Gordon, Essex militia, wounded.

All did their duty, the Indians behaved nobly, and the instant the enemy submitted, their forbearance, as on former occasions, was strikingly conspicuous—general Winchester is prisoner.

BUFFALOE, Feb. 9.

From deserters who have crossed from Canada since our last, we learn that the battle was fought between a detachment of Winchester's army and 300 British regulars and 8 or 900 hundred Indians. The British state that it was a desperate fought action: they acknowledged that they had 150 killed, and many wounded of the regulars, amongst the latter are col. Procter, and lieut. col. St. George—who received four wounds and is since said to have

died.—They state further, that we lost 250 killed, and a considerable number wounded, and about 300 prisoners. They do not state whether gen. Winchester was captured or not.

POSTSCIPT.—February 10.

A gentleman just from Lewiston states, that gen. Winchester and 4 or 500 of his army, had arrived at Newark, as prisoners of war.

Extract of a letter to the editor of the Weekly Register, dated Fort Stoddert, Feb. 3, 1813.

"The legislature of the Mississippi Territory, have appointed commissioners to select a place within the *country of Mobile* for the holding of courts, and it is said, they very *happily* have designated the *city of Mobile* as the most eligible situation. In April next, the superior court commences its first session there, *nearly under the walls of the Spanish fort*, and there is no doubt but what the Dons will *forcibly* resist the exercise of our authority.—We cannot of course, avoid giving the *retort courteous*, and must *oust* them of their *strong holds, to preserve the peace.* Judge Toulmin, who presides, is peculiarly calculated to meet the difficulties which are the consequence of our embarrassing situation, and will act with *becoming energy*, should he be opposed in the execution of his duty.

"When I passed Mobile on the 21st ultimo, I had occasion to purchase a small quantity of bread, which could only be got out of the town, by *secreting* it under the garments of one of my men—the sale being prohibited because of its scarcity; the same want of flour prevails at Pensacola, said to be occasioned by a *vacuum* in Ferdinand the VII's *strong chest*, and a consequent loss of credit—but, I presume, by the high prices in the Orleans market, where flour was selling by the cargo, at 20 to 21$ per barrel.

"We have from 5 to 600 volunteers enrolled at New-Orleans, and in ten or twelve days shall have upwards of 300 performing duty at this post. At Baton Rouge, there are betwixt 6 and 700 militia embodied, of the Mississippi Territory, and I presume *at least* 600 volunteers are now raised in the counties west of Pearl River—all for the defence of Louisiana—Yet, Claiborne has not the power to call out a single *militia man*, and perhaps the *legislature* may not invest him with it.

"General Wilkinson is concentrating his force at Orleans, by order of government, to repel an invasion which it is presumed is meditated against that island.

"Colonel Hawkins, the U. S. agent for the *Creeks*, informs us by the last mail but one, that a deputation of those Indians had lately been to visit *their friends* at Nassau (New Providence) and that the nation generally were solicitous for the arrival of the British at St. Marks and St. Augustine, to obtain presents; but, he believes, they would not engage in the war."

NAVAL.

Copy of a letter from commodore William Bainbridge, to the secretary of the navy, dated

U. S. FRIGATE CONSTITUTION,
St. Salvador, 3d Jan. 1813.

SIR—I have the honor to inform you that on the 29th ultimo, at 2, P. M. in South lat. 13, 6, and West long. 38, about 10 leagues distance from the coast of Brazils, I fell in with and captured his Britannic majesty's frigate Java of 49 guns, and upwards of 400 men, commanded by captain Lambert, a very distinguished officer. The action lasted 1 hour 55 minutes, in which time the enemy was completely dismasted, not having a spar of any kind standing. The loss on board the Constitution was 9 killed and 25 wounded as per enclosed list. The enemy had 60 killed and 101 wounded certainly (among the latter captain Lambert mortally,) but by the enclosed letter written on board this ship (by one of the officers of the Java) and accidently found, it is evident that the enemy's wounded must have been much greater than as above stated, and who must have died of their wounds previously to their being removed. The letter states sixty killed and 170 wounded.

For further details of the action, I beg leave to refer you to the enclosed extracts from my journal. The Java had in addition to her own crew upwards of 100 supernumerary officers and seamen to join the British ships of war in the East Indies; also lieutenant-general Hislop, appointed to the command of Bombay, major Walker and captain Wood of his staff, and captain Marshall, master and commander in the British navy going to the East Indies to take command of a sloop of war there.

Should I attempt to do justice by representation to the brave and good conduct of all my officers and crew during the action, I should fail in the attempt; therefore suffice it to say, that the whole of their conduct was such as to merit my highest encomiums. I beg leave to recommend the officers particularly to the notice of government, as also the unfortunate seamen who were wounded, and the families of those brave men who fell in the action.

The great distance from our own coast and the perfect wreck we made the enemy's frigate, forbad every idea of attempting to take her to the United States; I had therefore no alternative but burning her, which I did on the 31st ultimo after receiving all the prisoners and their baggage, which was very tedious work, only having one boat left out of 8 and not one left on board the Java.

On blowing up the frigate Java, I proceeded to this place, where I have landed all the prisoners on their parole, to return to England and there remain until regularly exchanged, and not to serve in their *professional capacities* in any place or in any manner whatever against the United States of America, until said exchange is effected.

I have the honor to be, sir, with the greatest respect, your obedient humble servant,

WILLIAM BAINBRIDGE.

Honorable Secretary of the Navy,
City of Washington.

List of killed and wounded on board of the United States' Frigate Constitution, under the command of commodore Wm. Bainbridge, in an action with his Britannic majesty's frigate Java, Henry Lambert, Esq. commander, December 29, 1812.

KILLED.

Jonas Ongrain, seaman.	Mark Snow, do.
Joseph Adams, do.	John D. Allen, do.
Patrick Conner, do	Wm. Cooper, do.
Barney Hart, do.	Thomas Hanson, private marine.
John Cheves, do.	

(Signed) ROBT. C. LUDLOW, *Purser.*
Wm. Bainbridge.

WOUNDED.

William Bainbridge, Esq. commander, severely; John C. Aylwin, lieutenant, do. Charles F. Waldo, master's mate, do. Peter Woodbury, quarter-master, do. John Clements, seaman, do. Joseph P. Cheves, do. do. Nicholas Vixiram, do. slightly; William Long, do. dangerously; Stephen Webb, do. do. Reuben Sanders, do. do. Joseph Ward, do. severely; Wm. Weaden, do. slightly, Enos Bateman, do. dangerously; James D. Hammond, do. slightly, Peter Venus, do. severely; Stephen Sheppard, do. slightly; Abijah Eddy, do. do. Philip Cook, do. do. Philip

Brimblecom, do. severely; Samuel Brown, ordinary seaman, do. Daniel Hogan, do. do. Thos. Williams 3d, do. slighty; John Vogle, do. severely; Anthony Reaver, private marine, slightly; John Ellwell, do. do.

(Signed) AMOS A. EVANS, *Surgeon.*
R. C. LUDDOW, *Purser.*

Wm. Bainbridge.

The following is a list of his Britannic majesty's military and naval officers parolled at St. Salvador, by commodote Bainbridge:—

1 lieutenant-general, 1 major, 1 captain, 1 post captain, 1 master and commander, 5 lieutenants, 3 lieutenants of marines, 1 surgeon, 2 assistant surgeons, 1 purser, 15 midshipmen, 1 gunner, 1 boatswain, 1 master, 1 carpenter, 2 captain's clerks—total 38 officers.

323 petty officers, seamen, marines and boys, exclusive of 9 Portuguese seamen, liberated and given up to the governor of St. Salvador, and 8 passengers, private characters, whom the commodore did not consider prisoners of war, and permitted them to land without any restraint.

Extracts from commodore Wm. Bainbridge's Journal, kept on board the U. States frigate Constitution.

Tuesday, 29th Dec. 1812—At 9 A. M. discovered two strange sails on the weather bow. At 10, discovered the strange sails to be ships, one of them stood in for the land, and the other stood off shore in a direction towards us—At 10 45, we tacked ship to the northward and westward, and stood for the sail standing towards us—At 11 A. M. tacked to the southward and eastward, hauled up the mainsail and took in the royals—At 11 30, made the private signal for the day, which was not answered, and then set the mainsail and royals to draw the strange sail off from the neutral coast, and separate her from the sail in company.

Wednesday, 30th Dec. 1812—(Nautical time)—In lat. 13 deg. 6 m. S. and long. 38 W. 10 leagues from the coast of Brazil—Commences with clear weather and moderate breezes from E. N. E. hoisted our ensign and pendant—At 15 minutes past meridian, the ship hoisted her colors, an English ensign, having a signal flying at her main—red, yellow, red.

At 1 26 P. M. being sufficiently from the land, and finding the ship to be an English frigate, took in the mainsail and royals, tacked ship and stood for the enemy—At 1 50 P. M. the enemy bore down with an intention of raking us, which we avoided by wearing—At 2 P. M. the enemy being within half a mile of us, and to windward, and having hauled down his colors, except an Union Jack at the mizen-mast-head, induced me to give orders to the officer of the 3d division to fire one gun ahead of the enemy to make him shew his colors, which being done, brought on a fire from us of the whole broadside, on which the enemy hoisted his colors and immediately returned our fire. A general action with round and grape then commenced, the enemy keeping at a much greater distance than I wished, but could not bring him to close action without exposing ourselves to several rakes. Considerable manœuvres were made by both vessels to rake and avoid being raked. The following minutes were taken during the action:

At 2 10 P. M. Commenced the action within good grape and canister distance, the enemy to windward (but much further than I wished.)
At 2 30 our wheel was shot entirely away.
2 40 determined to close with the enemy, notwithstanding his raking—set the foresail and mainsail, and luff'd up to him.
2 50 the enemy's jib-boom got foul of our mizen-rigging.
3 00 the head of the enemy's bowsprit and jib-boom shot away by us.
3 05 shot away the enemy's foremast by the board.
3 15 shot away his main-top-mast just above the cap.
3 40 shot away gaff and spanker-boom.
3 55 shot away his mizen-mast nearly by the board.
4 05 having silenced the fire of the enemy completely, and his colors in the main rigging being down, supposed he had struck, then hauled aboard the courses to shoot ahead to repair our rigging, which was extremely cut, leaving the enemy a complete wreck; soon after, discovered the enemy's flag was still flying—have too to repair some of our damage.
4 20 the enemy's main-mast went nearly by the board.
4 50 wore ship and stood for the enemy.
5 25, got very close to the enemy in a very effectual *raking position*, athwart his bows, and was at the very instant of raking him, when he most prudently struck his flag, for had he suffered the broadside to have raked him, his additional loss must have been extremely great, as he laid an unmanagable wreck upon the water. After the enemy had struck, wore ship and reefed the topsails, then hoisted out one of the only two remaining boats we had left out of eight, and sent lieutenant Parker, 1st of the Constitution, to take possession of the enemy, which proved to be his Britannic majesty's frigate Java, rated 38 but carrying 49 guns, and manned with upwards of 400 men, commanded by captain Lambert a very distinguished officer, who was mortally wounded.—The action continued from the commencement to the end of the fire, one hour and fifty-five minutes. The Constitution had 9 killed and 25 wounded. The enemy had 60 killed and 101 certainly wounded; but by a letter written on board the Constitution by one of the officers of the Java, and accidentally found, it is evident the enemy's wounded must have been considerably greater than as above stated, and must have died of their wounds previously to their being removed. The letter states 60 killed and 170 wounded. The Java had her own complement of men complete, and upwards of 100 supernumeraries, going to join the British ships of war in the East Indies, also several officers, passengers, going out on promotion. The force of the enemy in number of men, at the commencement of the action, was no doubt considerably greater than we have been able to ascertain, which is upwards of 400 men. The officers were extremely cautious in discovering the number. By her quarter bill she had one man more stationed to each gun than we had.

The Constitution was very much cut in her sails and rigging, and many of her spars injured. At 7 P. M. the boat returned with lieutenant Chads, the first lieutenant of the enemy's frigate, and lieutenant-general Hislop (appointed governor of Bombay) major Walker and captain Wood belonging to his staff.

Captain Lambert of the Java was too dangerously wounded to be removed immediately. The cutter returned on board the prize for the prisoners, and brought captain Marshall master and commander of the British navy, who was passenger on board, as also several other naval officers destined for ships in the East Indies.

The Java was an important ship, fitted out in the completest manner, to carry lieutenant-gen. Hislop and his staff to Bombay, and several naval officers for different ships in the East Indies; and had despatches for St. Helena, Cape of Good Hope, and every British establishment in the India and China seas. She had on board copper for a 74 and two brigs building at Bombay, and I expect a great many other valuables; but every thing was blown up in her, except the officers' baggage, when we set her on fire at 3 P. M. on the 1st of January, 1813, (nautical time.)

The following is a copy of the letter above alluded to, from an officer of the Java.

"Prisoner on board the American frigate Constitution, *St. Salvador, Brazils*, January 1. 1813.

"My dear sir—I am sorry to inform you of the unpleasant news of Mr. Gascoine's death; Mr. Gascoine and myself were shipmates in the Marlborough, and first came to sea together. He was shot early in the action by a round shot in his right thigh, and died in a few minutes afterwards. Four others of his messmates shared the same fate, together with 60 men killed and 170 wounded. The official account you will no doubt have read before this reaches you. I beg you will let all his friends and relations know of his untimely fate.

"We were on board the Java for a passage to India when we fell in with this frigate.—Two parcels I have sent you under good care, and hope this will reach you safely."

Yours truly, H. D. CORNECK.

Lieut. Peter V. Wood, 22d regiment foot.
Isle of France or Bourbon, East Indies.

U. S. frigate Constitution, at sea, 25th January, 1813.
In lat. 7, 29, N. long. 41.

SIR—By this conveyance, (a valuable prize to the Hornet) I have the honor to send you a copy of my despatch from St. Salvador, containing the information of the capture and destruction of H. B. M. frigate Java, by the frigate Constitution, under my command.

The damage the Constitution received in the action, but more especially the decayed state she is in, made it necessary for me to return to the United States for repairs; otherwise I should have continued to prosecute my original plans for the operation of the squadron under my command, and should thereby, beyond doubt, have considerably distressed the enemy's commerce. Expecting to arrive very soon after your receiving this letter, induces me to postpone giving you further particulars until my arrival, when I shall have the honor of giving you details in full.

I have the honor to be, sir, with the greatest respect, your obedient servant, WM. BAINBRIDGE.

Hon. Secretary of the Navy, city of Washington.

Extract of a letter from commodore Bainbridge, to his friend, dated at sea, Jan. 24, 1813.

"The Java was exceedingly well fought and bravely defended. Poor Lambert, whose death I sincerely regret, was a distinguished gallant officer and worthy man. He has left a widow and two helpless children! But his country makes provision for such sad events.

"We are now homeward bound. The damage the Constitution received in the action, and the decayed state she is in, makes it necessary for me to return to the United States for repairs: this I much regret—my crew participate in this sentiment; they are, however, consoling themselves with the hope of receiving their prize-money for the Guerriere on their return. You would be highly amused to hear these rough, though noble, sons of Neptune planning how they shall spend their prize-money. One says he will buy himself a snug little ship on the highest hill he can find, that he may thence, in his old age, view all our sea-fights—another, that now he will marry his Poll—another, that he will send his little Jack to school, &c.

Poor fellows, I trust they will not be disappointed in their expectations. Twice have they willingly, and gallantly, encountered the enemy, and twice have they succeeded: to return home now, and find that they have nothing but a remnant of pay coming to them, would be extremely mortifying—it would inevitably depress their spirits, and damp that noble ardor which they have hitherto felt and displayed. The officer may feel differently. For the performance of his duty, he feels a reward in his own bosom, and in his country's thanks—patriotism and a laudable thirst for renown, will lead *him* to court perils in defence of his country's rights. These feelings operate upon the sailor also; but to keep up the high tone of his ardor, he must have *prize-money in view!*

"True policy, in my humble opinion, dictates the destruction of the enemy's ships after capture; for by manning them, even if they are left in a manageable situation, our ships would be so weakened in their crews, that they would be liable to be captured by an equal or insulted by an inferior force. The act of destruction is done by the command of the captain only—the crew, who have exposed their lives equally with him, have *not the right of opposition.* When I ordered the Java to be destroyed, these considerations presented themselves to my mind with great force. Surely justice and sound policy obviously recommend a liberal provision in their favor. In making these observations, I am not influenced by any selfish motive—the applause of my countrymen has for me greater charms than all the gold that glitters. But justice to those who have bravely fought under my command, and assisted me in gaining this victory, requires, at my hands, an exertion in their behalf; and should it please Heaven to conduct us safe to our native shores, I shall not fail to use my best endeavors, solemnly believing as I do that the principle is all-important *to the continued successes of our navy!* For if it is, as I hold it, the indispensible duty of the commander to destroy the capture, on account of the gauntlet he would have to run with both the prize and his own ship (except he should be very near one of our own ports)—and the captain to receive (which is almost always the case) *all the honor, and the others no compensation*—is it not natural to suppose that the ardent desire which our seamen at present so strongly manifest to get into battle would diminish? Let that once take place, and your naval fights will not, I prophecy, be so decisive as they would be by keeping the ardor up. And how trifling an expense the compensation would be in a national view. The schooner that I am now despatching, (a prize to the Hornet) will give to the public treasury upwards of *one hundred thousand dollars.*

CONSTITUTION AND JAVA.

A medley of interesting particulars, collected from various sources.—The Constitution arrived at Boston on the evening of the 8th inst. and is considerably cut in her spars and rigging, but has only three shots in her hull. She left *St. Salvador* January 6, which port she entered to discharge the prisoners; and was fully prepared, at any time, to capture another frigate, if her good fortune had placed one in the way. Com. *Bainbridge*, on landing at *Boston*, was received with a salute of cannon, and the loud acclamations of thousands; many instruments of *sweet* music playing the good old tune of *Yankee doodle*—the streets were filled with a delighted populace, and the "house and chimney tops" covered with people. The veteran *Rodgers* was on his right hand. Party feeling was prostrated in national glory. Let us keep the dæmon down.———The legislature of *Massachusetts*, being in session, passed a vote of thanks.—The *Java* was fitted out in the highest stile for the purpose of conveying lieut. gen. *Hislop* to his important command. She was formerly the French ship *Renomme*, captured off *Madagascar*, and *then* rated by the *British* at 44 guns. In *Steel's* lists she is called only a *thirty-six*, though the British put on board five more guns than she had when they took her, being 49 in all. Thus is the British public deceived into "glorious victory." Her metal and guns were as follow: 28 eighteen pounders on the main deck; 14 thirty-two pounders on the quarter-deck: 4 do. and 2 two large 12 pounders on the forecastle—one shifting gun, 24 pounder—total 49 guns. Her 18 pound shot, as they are called, want only 3*lbs.* of being as heavy as the 24's of the *Constitution*, and her 32's are heavier than the American 32's. Her quarter bills shew that she had one man on the main deck, and two men more at each gun on the upper deck, than the *Constitution* had; yet the latter fired nearly two broadsides for her one. The *Java* touched at *St. Jago*, and there learned that the *Essex* was on the coast; and supposing the *Constitution* to be that ship, kept at long shot, because the *Essex* has carronnades only. This is but a lame excuse for not closing in, as she had the power to do. On board the *Java* was the copper for a 74 and two sloops of war building at *Bombay*, and other articles of great value. The *Constitution* had parted with the *Hornet* some days before the battle, but afterwards met her at *St. Salvador*. Lieutenant-general *Hislop* presented an elegant sword to com. *Bainbridge*, in compliment to his magnanimity and humanity to towards the prisoners.

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The officers of the *Java* informed com. *Bainbridge*, that the *Essex* had captured a sloop of war and four very valuable prizes. The sloop is said to be the *Nancy*, lt. *Fenwick*.

The *Hornet*, besides the prize that has arrived in the *Delaware*, had recaptured the American ship *William*, a prize to the *Java*. The Hornet carries 16 guns; and, it is stated, challenged the commander of a British sloop of war the *Bonne Citoyenne*, of 22 guns, then lying in *St. Salvador*, com. *Bainbridge* pledging his honor not to interfere. Lt. *Lawrence* is a charming fellow—but the English would not fight—a *race* may be expected, for the *Hornet* waits on the coast to catch the *Englishman*; who has on board A MILLION AND A HALF OF DOLLARS.

We have good news of the frigate *Chesapeake*.—See prize list. Besides those mentioned, she had taken four other as valuable vessels, *and was left in chase of eleven sail of large ships, two of them of* 900 *tons each, under convoy of a sloop of war.* As the Chesapeake sails well, there is reason to believe that she may come up with the whole of them. As they say in *Boston*, we cry, "*God send!*" The *Chesapeake* had been chased by two British frigates in company, but soon lost them.

It is understood that the United States have taken the *Macedonian* frigate at the valuation of $200,000

A letter from Little Egg Harbor, February 8th. says—"A British 74 gun ship has been on shore at the beach, and compelled to throw her guns overboard, before she could be got off."

We have a list of about 15 vessels, of various descriptions, captured by the British squadron in the Chesapeake. The prisoners have been sent to Norfolk in cartels.

The British in our bay are literally a set of *plunderers*—they seize, or *steal*, the most trifling articles, such as the etiquette of honorable war has always regarded sacred. We suppose this is the "*magnanimity*" we hear so much of: It is a good match for their love of "*religion* and *liberty*." In this general

censure, we except captain *Byron*, of the Belvidera.

The following was inserted on the coffee-house books, at Baltimore, on the 24th inst.

By a prisoner who left the blockading fleet in Lynhaven bay a few days ago, we learn that the squadron consisted of 5 frigates, anchored within hail of each other—Each frigate has two launches, with a 6lb. howitzer, manned with from 25 to 30 men each —those launches, in good weather, go as far as ten or fifteen miles up the bay, to look out for vessels bound down, and generally return to the fleet in the evening—they also cruise all night between the fleet and the middle ground—they have a pilot boat stationed outside the capes, as a decoy for vessels bound in, and keep a tender cruising inside to aid the launches.

Our last accounts from *Bermuda* state that 8 ships of the line, and a number of frigates were hourly expected from England, to blockade our coast. Let them come;—as one of our *primitive* patriots said on a similar occasion, "if surrounded by a wall of brass a thousand miles high, we can live independent and happy."

British justice.—A London ministerial paper of the 15th Dec. says, "It is highly *ridiculous* to hear America talk of maritime rights. What means has she "of *enforcing* them?" This is in strict concord with the uniform conduct of *Great Britain*. POWER is the only law she acknowledges.

Nelsonising the main.—Two 74's and five or six frigates, fearlessly blockade one frigate, the *Constellation*, in the *Chesapeake*; and 250 men, in ten great boats or launches, well armed with heavy guns and musketry, have taken a little schooner, the *Lottery*, with 29 men, after a dreadful fight of between two and three hours—in the mean time, *Bainbridge*, *Evans*, *Porter* and *Lawrence*, are hunting *British* vessels on the high seas. The *first*, more fortunate than his fellows, has found what he wanted, an enemy frigate of superior force. The *second*, at our last accounts from him, had good game in view. The *third*, with an eagle-eye, is picking up every thing he sees. The *fourth* is looking after a more powerful vessel than his own, laden with a million and a half of dollars. *Rogers* and *Decatur*, *Smith* and *Jones*, are preparing for another *hunt*, and will make an early start to catch some *Englishmen*. What a lesson is to be found in the enterprizes of our seamen! Where would rest the "trident of the main," if *we* had the ships that *France* retains in her ports?

Original Anecdotes.—When the news of the capture of the JAVA frigate was received at the merchant's coffee house in *Baltimore*, every eye sparkled with joy, and every tongue was employed in extolling the officers and crew of the *Constitution*. A dry old seaman, observing the scene, fixed the muscles of his face into indifference, and roughly denied the credit so liberally bestowed, swearing that merit was only due to *one* person on board the *Constitution*. "Who is that?" demanded several in surprize. "I don't know," said the son of the ocean, "but (giving his quid of tobacco a luscious squeeze) he is the man or boy that *first saw* the enemy, and he is a d—d clever fellow for keeping such a good look out!"

The masts of the JAVA going by the board, as the custom is, in homage of the stars and stripes of *Columbia*, it was shrewdly suggested that they, also, must have been "defective." A patriotic *blacksmith* hearing the remark, observed that such was doubtless the case; and gravely proposed it should be recommended to the board of Admiralty to have them made of *tough wrought iron*.

IN HONOR OF THE ENEMY.

Though capt. *Byron* has performed nothing more than the duty of an *honorable man*, and merely emulated the generous conduct of *our own tars*, whether in public ships or *private* armed vessels; it is to his glory to contrast his proceedings with the *tomahawking and scalping of the wounded* under *sufferance* of his fellow countrymen on land, and the general cold-blooded cruelty and indiscriminate rapine of his brethren at sea. If the fortune of war should ever throw him into our hands, his *manly* behaviour will be requited a thousand fold, by a people that know how to value him.

United States frigate Constellation, Feb. 16, 1813

SIR, At the solicitation of capt. Southcomb's friends I sent a flag down to the squadron of the enemy in Lynhaven Roads, to bring him and his two wounded men up to Norfolk, where their situation could be rendered more comfortable.

Inclosed you will receive a copy of captain Byron's note to captain Gould on the subject, as also copies of my letter to captain Byron and his answer. The cartel returned last evening with the body of capt. Southcomb; he was wounded in five places, gallantly defending his vessel against a number of armed boats. While such instances of bravery cannot but inspire the enemy with respect for the American character, I trust this instance among many others of the humanity and generosity of captain Byron will not be forgotton by our countrymen.

I have the honor to be, very respectfully, sir, your very obedient servant, CHS. STEWART.

Hon. WILLIAM JONES,
Secretary of the navy, Washington.

February 11*th*, 1813.

SIR, I am glad in being able to get the little box of China for Mrs. Gould—rest assured in every attention being paid to the unfortunate captain John Southcomb and his two wounded men—whatever vessel comes for them shall be treated with due respect, for which I have the senior captain's authority.

I am your humble servant,
R. BYRON.

CAPTAIN GOULD.

United States frigate Constellation, Norfolk Harbor, February. 13, 1813.

SIR, Capt Gold has handed me a note you addressed to him of the 11th inst. in which you state "by authority of the senior captain of his Britannic majesty's squadron in Lynhaven bay, that captain Southcomb and his two wounded men will be delivered to any vessel that may come for them."

I send a flag down to you for the purpose of receiving those unfortunate men and avail myself of this opportunity to thank you for your attention and humanity to the unfortunate.

I have the honor to be, very respectfully, sir, your obedient servant, CHARLES STEWART.

Senior officer at Norfolk.

P. S. Doctor Ray goes with the flag to attend the wounded men should there be any necessity.

Captain Richard Byron, commanding his Britannic majesty's ship Belvidera.

BELVIDERA, LYNHAVEN ANCHORAGE,
February 13, 1813.

SIR—I received your letter of this morning by Doctor Ray; it is with extreme concern I acquaint you the unfortunate and gallant captain John Southcomb expired this morning. It will be satisfactory in some degree to his widow, to know he had truly a religious sense of his situation, latterly delirious, without the excess of pain that might have been expected. Capt. Gold and his steward have charge of his effects. His body will be placed in the cartel,

so soon as the coffin can be prepared. The two wounded men at their own request went up in the former cartel, which I am sorry to hear got on shore. I am extremely flattered with the part of your letter thanking me for attention and humanity to the unfortunate, which gives me the most perfect assurance of the generous feelings of capt. Chas. Stewart.

I have the honor to be, &c. R. BYRON.

Captain Charles Stewart, captain of the United States' frigate Constellation.

American Prizes.

WEEKLY LIST—CONTINUED FROM PAGE 383.

"The winds and seas are Britain's wide domain,
"And not a sail, but by *permission*, spreads!"
British Naval Register.

The London Sun of Dec. 15, says, "his [Mr. Madison's] militia and regulars are already disposed of—his navy is now bespoke by our cruisers, and will be wholly sent home to British ports by the commencement of spring."

"The capture of the Guerriere is made a prominent feature, and as it is the first, and probably will be the last, triumph of the American navy, they do right to make as much of it as possible."
London Courier, Dec. 15, 1812.

The London Quarterly Review for Sept. contains the following paragraph:

"We will not stop to degrade the British navy by condescending "to enter into a comparison between the high order, the discipline "and comfort of an English man of war and an American frigate. "We disdain any such comparison."

☞We have the great pleasure to introduce to our readers this week a list of prizes, "snugly" accounted for, worth to the enemy between two and three millions of dollars—and look-out daily for valuable additions—see *naval* "events of the war."

345. The frigate JAVA, of 49 guns, taken by the U. S. frigate *Constitution*, and burnt, being battered to pieces by the "*Yankees*." See official account, &c. page 410.

346. Brig —— captured by the Growler privateer, and released after dispossesing her of many valuables.

347. Ship Diligence, of 12 guns, a government transport, a great ship laden with most valuable military stores, wrecked near Machias, (see page 365) and set on fire by the British. Col. *Ulmer*, commanding the United States volunteers on the Eastern frontier, recovered from the wreck, 10 pieces 24lb cannon, 15 of 12, 2 of 9, with the carriages for the large pieces and various useful appurtenances, also 25 ton of shot &c. &c. We therefore call this a good prize.

348. Schooner ——, captured by the Gallinipper privateer and ransomed.

349. Ship Neptune 10 guns, from London for Rio Janeiro, with a very rich cargo of brandy, wine and dry goods, sent into Portland, by the Decatur privateer. The Neptune is a large ship, coppered, and of the first class. Her cargo is 500 pipes brandy and wine, 20 bales dry goods, and ten cases watches! The Decatur has taken two other vessels and sent them to France.

350. Ship ——, from Quebec for London, laden with timber, comprising THE WHOLE FRAME OF A SHIP OF 74 GUNS, sent into Kennebeck, by the America of Salem. The timber is, doubtless, duly seasoned, and is just in time.

351. Ship Volunteer, 12 guns, 400 tons burthen, coppered, a ship of the first class, from London for Brazil, deeply laden with dry goods and copper, sent into Portsmouth by the *Chesapeake* frigate, and said to be worth £150,000 sterling.

352. Ship ——, burnt by the *Chesapeake*, after taking out of her goods worth $200,000. See "events of the war"—*naval.*

353. Schooner Ellen, sent into New-Castle (Del.) laden with dry goods, worth $250,000, by the U. S. sloop of war Hornet. ☞The Ellen is one of the American vessels that was *peaceably* captured under the orders in council—restored by *cannon law.*

354. Ship ——, 20 guns, laden with mahogany and log wood, sent into New-Orleans by the privateer Spy, of that port.

[Fill up the blank in the prize list no. 341, and read "ship Arabella."]

British Order in Council.

The following order in council, with the letter of instructions annexed, is an open attempt to reduce to practice the theory that *John Henry* labored to establish at *Boston*. It remains to be seen whether the people of the "*Eastern States*" will join in this infamous plan; or whether, as when the port of *Boston* was shut, they will make a common cause with the rest

Congress may and ought to remedy this abominable attempt. Every vessel sailing by "*permission*" of the enemy should be treated as of the enemy. Let a law be passed to this effect, and our privateers will enforce it. By existing laws, that man is considered a traitor who traffics with *Canada*; is the nature of the fact changed by his "comforting" the enemy in his *West-India* possessions.

From the Bermuda Gazette of January 16.

BERMUDA, ALIAS SOMER ISLANDS.

By his excellency brigadier-general George Horsford, lieutenant-governor and commander-in-chief, in and over these Islands, &c. &c. &c. A PROCLAMATION.

Whereas I have received a copy of his royal highness the prince regent's order in council, bearing date at the court at Carlton House, the 26th of October, 1812, which order is in the words following, viz—Whereas during the late and present war, emergencies have at various times arisen essentially affecting the necessary supply of the British West-India islands, and of lands and territories belonging to his majesty on the continent of South America, and it has been found expedient and necessary, for the trade and commerce of said islands, lands, &c. and for the support of the inhabitants thereof, further to extend, for a limited time, the importation into, and exportation from the said islands, lands and territories. His royal highness the prince regent, in the name and on the behalf of his majesty, is pleased, by and with the advice of his majesty's privy council, to authorise and empower the governor or lieutenant-governor of any of the islands or territories in the West-Indies, (in which description the Bahama islands and the Bermuda or Somer islands are included) and of any of the lands or territories on the continent of South America to his majesty belonging; and they are hereby respectively authorised and empowered to permit, until the 30th day of June, 1813, the importation into the said islands, lands and territories, respectively, of staves and lumber, horses, mules, asses, neat cattle, sheep, hogs, and every other species of live stock, and live provisions, and also of every other kind of provisions whatsoever, (beef, pork, butter, salted, dried and pickled fish excepted) in any unarmed ship or vessel not belonging to France, or to the subjects or inhabitants thereof, or of any port or place annexed to the territories of France, under the license of the said respective governors or lieutenant-governors, which are hereby empowered to grant in his majesty's name, subject to such instructions as his royal highness the prince regent, in the name and on the behalf of his majesty, shall, from time to time, think fit to issue, to be signified by one of his majesty's principal secretaries of state; and also to permit, under licenses to be granted as aforesaid, the exportation from the said islands, lands and terri-

tories, into which such importation as aforesaid shall be made, and in the ships aforesaid in which such importation shall have been made, of rum and molasses, and of any other goods and commodities whatsoever, except sugar, indigo, cotton, wool, coffee and cocoa. Provided that such ships or vessels shall duly enter into, report and deliver their respective cargoes, and re-load at such ports only where regular custom-houses shall have been established. But it is his royal highness' pleasure, nevertheless, and his royal highness, in the name and on the behalf of his majesty, and by and with the advice aforesaid, is pleased to order, and it is hereby ordered, that nothing herein before contained shall be construed to permit the importation of staves, lumber, horses, mules, asses, neat cattle, sheep, hogs, poultry, live stock, live provisions, or any kind of provisions whatever as aforesaid, into any of the said islands, lands or territories in which there shall not be, at the time when such articles shall be brought for importation, the following duties on such articles of the growth or produce of the United States of America, namely:

On wheat flour, per barrel not weighing more than 196 lbs. nett weight	£0	5	8
On bread or biscuit of wheat flour or any other grain, per barrel, not exceeding more than 100 lbs.	0	3	4
On bread, for every 100 lbs. made of wheat, or any other grain, imported in bags or other packages than barrels, weighing as aforesaid,	0	3	4
On flour or meal, made from rye, peas, beans, Indian corn, or other grain than wheat, per barrel, not weighing more than 196 lbs.	0	3	4
On peas, beans, rye, Indian corn, callivances, or other grain, per bushel,	0	0	10
On rice, for every 100 lbs. nett weight, and so in proportion for a less or larger quantity,	0	3	4
On shingles, called Boston chips, not more than 1 foot in length, per M.	0	3	4
On shingles being more than one foot in length, per M.	0	6	8
For every 1200, commonly called 1000, of red oak staves,	1	0	0
For every 1200, commonly called 1000, white oak staves, and for every 1000 pieces of heading,	0	15	0
For every 1000 feet of white or yellow pine lumber, of all descriptions,	0	10	0
For every 1000 feet of pitch pine lumber	0	15	0
For all other kinds of wood or timber, not before enumerated,	0	15	0
For every 1000 wood hoops	0	5	0
And in proportion for a less or larger quantity of all and every the articles enumerated.			
Horses, neat cattle and other live stock, for every £100 of the value thereof, at the port or at the place of importation	10	0	0

And whereas, I have deemed it expedient and necessary to make known and publish the same within this his majesty's government, I do therefore issue this my proclamation, to the end that all persons whom it doth or may concern, being duly apprised thereof may govern themselves accordingly.

Given under my hand, and the great seal of the Islands, this 14th day of January, 1813, and in the 53d year of his majesty's reign.

GEORGE HORSFORD.

By his excellency's command,

ROBERT KENNEDY.

God save the King.

(CIRCULAR.)

DOWNING-STREET, Nov. 9, 1812.

SIR—I have the honor of enclosing you an order of council, which has been judged expedient to issue, in consequence of existing hostilities between his majesty and the United States. By this order you are authorised to grant licences for importation of certain articles enumerated in the same order, and for the exportation of certain articles also enumerated in the same, in the ships in which the importation shall be made.

This intercourse is to be subject to the condition stated in the order, and sush instructions as you may from time to time receive from one of his majesty's principal secretaries of state. I am commanded by his royal highness the prince regent, to signify to you that in granting the licences for importation of the above enumerated articles, you take care that the articles so to be imported be severally enumerated in the body of the license, that the port or place from whence the importation is to be made, and the port to which the vessel is bound be also inserted in the body of the licence.

That if the person applying for the licence, shall not be able to state the name of the vessel on board of which the proposed importation is to be made, the condition of the licence should be that the name of the vessel, the name of the master, her tonnage and national character, be endorsed on the licence on quitting her port of clearance, and that the condition of her licence should also be that she proceed direct for the port of her destination.

Although the order authorizes you to permit the importations of the enumerated articles in any vessel not French, you will not grant these licences to any except vessels in amity with his majesty, unless you are convinced that the island will be exposed to serious embarrassments by so confining the importation in question.

Whatever importations are proposed to be made under the order from the United States, should be by your licences confined to the ports in the EASTERN STATES EXCLUSIVELY, unless you have reason to suppose that the object of the order would not be fulfilled if licences are not also granted for importations from the other ports in the U. States.

With respect to the licences for exportation on board the vessels in which an importation shall have been previously made, you will observe that the order does not require that the port of destination in such case shall be the same as that from whence the importation had been made, but you will take care that in the body of the licence be inserted the name of the vessel, her tonnage, &c. port of clearance, and the port of destination; and that the cargo be described in the body of the licence, according to the words of the order: viz, rum, molasses, or any other goods and commodities, whatsoever, except sugar, indigo, cotton, wool, coffee, and cocoa.

You will take care that the term of the import license does not exceed the term of the order on which it is granted, and that you do not issue any licence for exportation under this order after that period.

The fee payable for each licence is not in any case to exceed the sum of £1 1s.

To Lt. Gov. Harcourt, &c.

CORRECTION.—The report of the committee of grievances and courts of justice, raised in the house of delegates of the state of Maryland, was published in the REGISTER as it issued from that committee. But an amendment was made by *striking* out those words, *(having reference to major Barney)* "instead of preserving a dignified stand, such as became a soldier, he so conducted himself as"—and inserting in the place of them—"*he attempted by conciliation and persuasion, to induce the mob to disperse, which had the effect*"—

Number Seventy-Eight.

The present number closes the *third volume* of the WEEKLY REGISTER, and brings round a second period for the payment of FIVE DOLLARS for the current year. The subscribers in *Baltimore* will be immediately waited upon, and the bills, as usual, have been sent to the different agents. Gentlemen residing in places where there are not agents, will be pleased speedily to remit by mail. The editor has the *right to hope for* universal payment; for never was greater drudgery bestowed to *deserve* it.

The promised APPENDIX will issue as soon as possible—in from 6 to 8 weeks; it will be voluminous and expensive, and require time as well as money to complete it. With the appendix will be forwarded a much improved and *complete* INDEX for the volume. The *appendix* being designed as a "free gift of gratitude" to the *real* friends of the work, none others can expect to receive it.

The REGISTER will be suspended, after the present number, to all persons in arrears for the *first* year. No man shall *patronize* me for two years by the use of his *name* only. Those from whom the last year's subscription remains due, must pay $ 10 for that and the present year, before the paper can be resumed.

The next volume will, in all human probability, comprize the most interesting period of time our country ever saw. With increased resources and liberal encouragement to labor, the editor expects to add much to the value of the work, in several interesting particulars. It has been observed by many that they would gladly increase the price of subscription for an increased quantity of matter—this desirable object may be attained without additional cost, by recommending the work to their neighbors, and impressing upon all the necessity of complying with its terms—*and supplements shall shew that the editor only requires the* ability *to meet his* will.

Agents are earnestly requested to return the *names* of those gentlemen from whom they have received, or may receive payment, that error may be avoided—that the punctual may be attended to, the neglectful being neglected. The subscribers to the REGISTER are now more than *three thousand seven hundred;* the publication is only of eighteen months standing; but from 50 to 80 new patrons are received every month, among whom are many gentlemen of the first consideration in the republic.

☞ Letters to the editor must be post-paid.

American Seamen.

REPORT.

The secretary of state, agreeably to a resolution of the senate of the 28th January last, requiring a statement of the whole number of seamen annually registered, under the act of the 28th of May, 1796, entitled "An act for the relief and protection of American seamen," distinguishing the number so registered in each year, according to returns made to the department of state by collectors of different ports, has the honor to submit the following abstract, from the returns made to this department, distinguished by the several years when they were so made.

It may be proper to observe that from the deficiency of returns, it is to be reasonably inferred that the number of seamen actually enregistered in the United States during the period embraced in this report, exceeds that now stated by one third.

Abstract of seamen registered in the several custom houses of the United States, according to returns made to the department of state.

For the 3 last quarters of the year	1795	4,849
For the year	1797	9,021
For the year	1798	7,031
For the year	1799	6,514
For the year	1800	3,390
For the year	1801	6,917
For the year	1802	891
For the year	1803	10,724
For the year	1804	6,822
For the year	1805	10,722
For the year	1806	9,900
For the year	1807	7,937
For the year	1808	1,121
For the year	1809	9,170
For the year	1810	3,668
For the year	1811	4,828
For the year	1812	3,252
TOTAL,		106,757

All which is respectfully submitted.

JAS. MONROE

Department of Sate, February 18th, 1813.

The Brig Hiram of Baltimore.

This was the case of a vessel bound to *Lisbon* from *Baltimore*, with a cargo of flour, having a *British license* authenticated by the hand of *Andrew Allen*, junior, at *Boston*, who, under the date of *September 15th*, 1812, signs himself "his *Britannic majesty's consul* for the states of Massachusetts, New-Hampshire, Rhode Island and Connecticut;" an order that the proceeds of the cargo should be remitted to England, was also found on board her by the Thorn privateer, by whom she was sent into Marblehead. In the District court, held at Boston, February 6, judge Davis presiding, the vessel was ordered to be restored, but without cost or damages, to the claimant. A friend has furnished us with the opinion of the court, which may be esteemed important; it is too long for insertion at present.

☞ POSTSCRIPT.

Under a prospect of receiving a copy of the expected communication from General *Winchester*, we kept open this page until after the arrival of the southern mail, which, however did not bring it.

The senate have rejected the bill to prevent the employment of foreign seamen, by a majority of one vote; owing, it is said, to the accidental absence of several members when the question was taken—all the "federalists" voting against it.

The president has communicated the order in council (see page 414) to congress, reprehending its policy as it deserves.

A letter from *Utica* received in Baltimore this day, on information from a person who was in battle at the *River Raisin*, says, the enemy force consisted of 1100 Indians, 300 British regulars, and 400 militia, with 7 pieces of artillery. The resistance made by our troops was of the most gallant character, and our loss in killed is said not to exceed 250. The British charged three times with the bayonet and were repulsed. There loss is thought nearly to have equalled our own; except that the wounded Americans were murdered.

We have no foreign or domestic news, since our last, of importance, other than is to be found in the "Events of the War."

END OF VOLUME THE THIRD.

THE WEEKLY REGISTER.

VOL. III. APPENDIX TO VOLUME THE THIRD.

Hæc olim meminisse juvabit.—VIRGIL.

Printed and published by H. NILES, South-st. next door to the Merchants' Coffee House, at $5 *per annum.*

Herbert's British Tax Tables

FOR 1813.

Containing the Assessments, Stamps, Property Tax, &c. &c....(Stamped by Act of Parliament, and published by authority.)

ADDITIONAL DUTIES OF EXCISE IN GREAT BRITAIN.

On Hides and Skins.

	£.	s.	d.
For every pound weight avoirdupoise of hides of what kind soever, and of calf-skins, kip, hog skins, and seal skins, which shall be tanned in Great Britain, and of sheep skins and lamb skins, for gloves and bazils	0	0	1 1-2
For every dozen of goat skins tanned with shoe-mack or otherwise, to resemble Spanish leather	0	4	0
For every dozen of sheep skins tanned for roans, being after the nature of Spanish leather	0	2	3
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of hides and skins which shall be tanned in Great Britain, not hereinbefore particularly charged	0	0	6
For and upon all hides of horses, mares and geldings, which shall be dressed in allum and salt, or meal, or otherwise tawed in G. Britain, for every such hide	0	1	6
For and upon all hides of steers and cows, or any other hides, of what kind soever, those of horses, mares and geldings excepted, do.	0	3	0
For every pound weight avoirdupoise of all calf skins, kips and seal skins, do.	0	0	1 1-2
For every dozen of slink calf skins, do.	0	3	0
For every dozen of slink calf skins, which shall be so dressed or tawed without hair, and every dozen of dog skins and of kid skins which shall be tawed as aforesaid	0	1	0
For every pound weight avoirdupoise of buck and doe skins, do.	0	0	6
For every dozen of goat skins and of beaver skins, do.	0	2	0
For every pound weight avoirdupoise of sheep and lamb skins, do.	0	0	1 1-2
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of hides and skins, which shall be so dressed in allum and salt, or meal, or otherwise tawed in Great Britain, not herein before particularly charged	0	0	6
For every pound weight avoirdupoise of all sheep and lamb skins which shall be dressed in oil in Great Britain	0	0	3
For every pound weight avoirdupoise of all other skins, and of all parts and pieces of skins, do.	0	0	6
For every dozen of vellum which shall be made in Great Britain	0	3	6
For every dozen of parchment, do	0	1	9

Additional duties of excise on glass made in G. Britain.

	£.	s.	d.
For every 100 weight of flint glass and of phial glass respectively	2	9	0
For every 100 weight of spread window glass, commonly called or known by the name of broad glass	0	15	0
For every 100 weight of all other window glass, not being spread glass, whether flashed or otherwise, manufactured and commonly called or known by the name of crown glass or German sheet-glass	1	16	9
For every 100 weight of materials or metal, or other preparations whatever, by what name soever the same are or may be called or known, that shall be made use of in Great Britain in the making of glass, the following sums respectively, that is to say,			
In the making of plate glass	2	9	0
And in the making of common bottles, the same not being phials, and of vessels made use of in chemical elaboratories, of garden glasses, and of all other vessels and utensils made of common bottle metal	0	4	1
For every 100 weight of plate glass, and of all other glass manufactures which shall be imported from parts beyond the seas into Great Britain, the same not being flasks in which wine or oil shall or may be imported, nor foreign green glass bottles, nor Irish glass or glass manufactures imported directly from Ireland	3	3	0

ASSESSMENTS, WITH THE LATE ALTERATIONS.

House duties—(Rated in the pound.)

	£.	s.	d.
Five pounds and under twenty pounds rent per year		1	6
Twenty pounds and under forty pounds rent per year		3	2
Forty pounds rent per year, and upwards	2	10	

Houses let in different apartments, and inhabited by two families, the same shall be charged as if such house was inhabited by one, and the occupiers of such tenements shall be charged, as if occupiers of such house.

Where the landlord shall not reside within the limits of the collector, or pay in 20 days, it may be levied on the occupiers.

The landlord of a lodging house shall be charged as occupier of the whole house. No dwelling, &c. shall be rated at a less annual value than the last poor's rate.

Houses which shall be valued at ten pounds a year or less, and all hospitals, charity schools, poor houses, are exempt.

WINDOWS.

From and after the 10th of June, 1810, any window in a room, used wholly for the purpose of carrying on any manufacture, and not having any internal communication with the dwelling house, shall be exempted.

HOUSE AND WINDOW DUTY COLLECTED TOGETHER.

Number of windows.	duties for every dwelling house in England.	Number of windows.	duties for every dwelling house in England.
	l. s. d.		l. s. d.
Six windows under 5l. yearly rent - -	0 6 6	34 windows, &c. -	23 0 0
Six windows above aforesaid value - -	0 8 0	35 do - - - -	23 16 6
7 windows, &c. -	1 0 0	36 do - - - -	24 13 6
8 do - -	1 13 0	37 do - - - -	25 10 6
9 do - - - -	2 2 0	38 do - - - -	26 7 0
10 do - -	2 16 0	39 do - - - -	27 4 0
11 do - - - -	3 12 6	40 to 44 windows -	28 17 6
12 do - - - -	4 9 6	45 - 49 do - -	31 13 6
13 do - - - -	5 6 6	50 - 54 do -	34 10 0
14 do - - - -	6 3 6	55 - 59 do - -	37 6 6
15 do - - - -	7 0 0	60 - 64 do -	39 15 6
16 do - - - -	7 17 0	65 - 69 do - -	42 0 6
17 do - - - -	8 14 0	70 - 74 do -	44 5 0
18 do - - - -	9 10 6	75 - 79 do - -	46 10 0
19 do - - - -	10 7 6	80 - 84 do -	48 15 0
20 do - - - -	11 4 6	85 - 89 do - -	51 0 0
21 do - - - -	12 1 0	90 - 94 do -	53 4 6
22 do - - - -	12 18 0	95 - 99 do - -	55 9 6
23 do - - - -	13 15 0	100 - 109 do -	58 17 0
24 do - - - -	14 11 6	110 - 119 do - -	63 6 6
25 do - - - -	15 8 6	120 - 129 do -	67 16 6
26 do - - - -	16 5 6	130 - 139 do - -	72 6 0
27 do - - - -	17 2 0	140 - 149 do -	76 16 0
28 do - - - -	17 19 0	150 - 159 do - -	81 5 6
29 do - - - -	18 16 0	160 - 169 do -	85 15 6
30 do - - - -	19 12 6	170 - 179 do - -	90 5 0
31 do - - - -	20 9 6	180 - - - -	93 2 0
32 do - - - -	21 6 6	And for every window or light exceeding the number of 180 - -	0 3 0
33 do - - - -	22 3 0		

Every window is liable, not stopped with the same materials as the outside walls. Six days notice must be given, in writing, to the surveyor, of every window to be made or stopped up; the person or persons failing liable to 10*l.* penalty.

No abatement for windows not stopped previous to the 5th of April.

Dairies and cheese rooms are exempted, provided the above words are written on the outer door or window, and made without glass. Sky, cellar, staircase and passage-lights included; likewise kitchen, cellar, wash-house, and brew-house lights, whether within the dwelling, contiguous, or disjoined, &c.

Inns of court or colleges, halls, hospitals, set of chambers, are chargeable as if separate houses. Every chamber, containing not more than seven windows, shall be charged 3s. a light.

A dwelling-house divided into tenements, pays the same duty.

When a division between windows is twelve inches broad, the light on each side shall be charged severally, and likewise windows, giving light to more than one room or landing-place.

All windows, from the extremity of the opening of the wall shall not exceed in height 12 feet, or in breadth 4 feet 9 inches, not being less than 3 feet 6 inches in height, shall be charged as two windows, except such windows as have been made of greater dimensions, prior to April 5, 1785, except windows for shop, workshop or warehouse, and those belonging to houses licensed to sell wine, ale, &c. &c. by retail—also farm-houses which are exempted by the provisions of inhabited houses.

GAME.

Certificate for taking or killing any game whatever, or woodcock, snipe, quail, landrail, or conies, - - - £ 3 13 6

Game-keeper, 1l. 1s. Every other person - - - - - - - - 3 13 6

EXEMPTIONS.

Taking of woodcocks, or snipes, with nets or springs.

Taking conies in warrens, or enclosed grounds, or by any person in lands in his own occupation, with ferrets or nets.

Penalty for acting without a certificate - - - - - - - £ 20 0 0

PLEASURE HORSES.

1 Horse	£ 2	17	6	11 Horses	£ 65	2	0
2	9	4	0	11	70	19	6
3	15	1	6	13	77	3	6
4	20	16	0	14	83	1	6
5	26	3	6	15	88	19	6
6	32	12	6	16	94	17	6
7	38	19	6	17	101	4	0
8	44	9	6	18	108	0	6
9	50	17	0	19	114	10	0
10	59	4	6	20	121	11	0

Every other horse 6l. 12s. 6d.

EXEMPTIONS.

Horse, mare or gelding for husbandry, or drawing any carriage, not liable to this act, if rode when returning from or going for a load, medical assistance, market, place of public worship, election of members of parliament, courts of justice, meetings of commissioners of taxes.

Tenants at rack-rent under 70l. a year, exempt.

DRAUGHT HORSES AND MULES.

For every horse or mule not chargeable with any the above duties, 14s.

GENERAL EXEMPTIONS.

Post horses, stage coach horses, hackney coach horses, horses kept for sale in the hands of dealers.

Any person, who on account of poverty, shall be discharged from the duties on windows and house, for any horse, provided he shall not keep more than one, and shall not let it to hire.

Any rector, vicar, or curate, not possessed of 60l. per ann. who shall not keep more than one horse.

Horses used in the volunteer service.

Persons letting horses for less than a year, and race horses, - - - £ 2 17 6

Horses under 13 hands high are exempt from the 14s. duty; but if rode, are liable to the higher duty.

Horses employed in agriculture,	0	3	6
In trade, - - - - - -	0	10	8
Farmer's rack rated under 20l.	0	3	0

Post horses 1 1-2 a mile or 1s. 9d. a day. Annual license for do. 5l.

HORSE DEALERS.

To deliver a list of horses kept for riding or drawing,

Annual licence in London - -	£ 25	0	0
Do in the country, - -	12	10	0

DOGS.

For every hound, pointer, setting-dog, spaniel, lurcher, or terrier, and those who keep two or more dogs, of whatever denomination, for each dog 14s. Greyhounds, 20s.

For a single dog kept by or for the use of any person inhabiting a dwelling-house assessed in any of the duties on houses, windows, and which is of a different species, 8s.

Persons not paying taxes may keep one dog, if not hound, &c.

Whelps under six months old not chargeable.

Composition for hounds, 36l.

Allowance on account of children.

Persons having more than two children born in lawful wedlock, and *bona fide* maintained at their expence, are entitled for every child above two to an allowance of 20l. per cent. on the amount of all the assessments on such persons, if the assessment is under 40l. a year.

The children by any former marriage, equally entitle the surviving husband or wife maintaining such children, to the allowance, as his or her own children.

If two or more dwelling houses, he is to obtain a a certificate of the amount of duties charged on him respect of each dwelling-house not situate in the parish where he makes the claim.

And if he is guilty of any fraud in making the claim, or delivers a false declaration or a false certificate, he will forfeit 100l. Persons claiming, must give notice to assessors, before August 30.

CARRIAGES WITH FOUR WHEELS.

Kept for a person's own use or let out to hire.

1 Carriage	£ 12	0	0	6 Carriages	£ 98	8	0
2	26	0	0	7	119	0	0
3	42	0	0	8	140	16	0
4	60	0	0	9	163	7	0
5	78	15	0				

Every other carriage - - - 18 13 0

Every additional body used on the same carriage, - - - - - - 6 6 0

Carriages let to hire for less than 28 days having four wheels, stage coaches and post chaises, - - - - - - 10 10 0

Ditto (not entered) - - - 12 0 0

CARRIAGES WITH TWO WHEELS.

Kept for a person's own use, or let out to hire, and drawn by one horse, - 6 10 0

By two or more horses, - - - 9 0 0

Every additional body used on the same carriage, - - - - - - 3 3 0

Carriages not used in husbandry - 2 0 0

Carriages sold by auction or commission.

Every person selling annually, - 0 10 0

Carriage with four wheels, - - 1 5 0

With two ditto, - - - - - 0 12 6

COACH MAKERS.

Persons carrying on the trade annually £ 0 10 0

Carriage with four-wheels built for sale, 1 5 0

With two ditto - - - - - 0 12 6

TAXED CARTS.

On which the owner's name and the words *"a taxed cart"* are written, price not exceeding 15l. - - - - - 1 9 6

With springs, excepting those of metal, and the price of which shall not have exceeded 21l. - - - - - - 2 15 0

Persons liable to the duties for four wheel carriages or two male servants, to pay 6l. 10s. or 9l. as drawn by one or two horses.

Makers of tax-carts annually 3s. Every tax cart made, 3s.

Male Servants—in or out of Livery.

1 Servant	£ 2	8	0	7 Servants	34	1	0
2	5	18	0	8	40	13	0
3	10	10	0	9	50	18	9
4	16	1	0	10	62	0	0
5	22	14	0	11	78	3	0
6	28	13	0	Every other	7l. 18s. each		

Batchelors' servants, an additional 2 0 0

OTHER SERVANTS.

Gardeners not constantly employed 1l. Every male traveller or rider, 3l. More than one, each 5l. Every male clerk, book or office-keeper, (except apprentices under a fee of 20l.) 2l. More than one, each 3l. Shop-men, warehouse-men, porter (except said apprentices) 2l. Waiters, (occasional ones exempt) each 3l. Servants to take care of race-horses, whereby the stable keeper may profit, 2l. Servants, retained for husbandry, manufactures or trade, at times, in any domestic employment, 10s.

If at any time as groom, stable-boy, or helper, where the master or mistress chargeable for only one horse, for riding or drawing a taxed cart only, - 0 10 0

Coachman, postillion, groom or helper, kept to be let out for less than a year, and in such manner that the duty payable on horses to let or hire shall not be paid by the innkeeper, postmaster, coach-maker, &c. &c. - - - - - - 2 10 0

If the person hiring such servant does not give notice as required by this act, the progressive duty shall be charged on him.

TOBACCO.

Tobacco 2s. 5d. per lb. Additional duty 10l. per cent.

HAIR POWDER.

Annual duty 1l. 3s. 6d.

ARMORIAL BEARINGS.

Persons keeping a carriage charged with the assessed taxes, - - - 2 8 0

Housekeeper, not keeping a carriage, 1l. 4s. Other person, 12s.

GENERAL POST.

Letters taken.	Meas'd. Miles.	sgle. d.	dbl. s.	dbl. d.	treble. s.	treble. d.	ounce. s.	ounce. d.
Any distance not exc'dg.	20	4		8	1		1	4
Above 20 and not exc'dg.	30	6	1		1	6	2	
30 - -	50	7	1	2	1	9	2	4
50 - -	80	8	1	4	2		2	8
80 - -	120	9	1	6	2	3	3	
120 - -	170	10	1	8	2	6	3	4
170 - -	230	11	1	10	2	9	3	8
230 - -	300	12	2		6		4	

Above 300 and not exceeding 400 measured miles, single letter, 3d. double, 4d. treble, 6d. an ounce, 8d. additional, and so on in proportion.

Foreign—single, 6d. double, 1s. treble, 1s. 6d. ounce, 2s.

NEW APPRAISEMENT ACT,

Or valuation of any estate or effects, real or personal, or of an interest therein; or of the annual value thereof; or of any dilapidations; or of any repairs wanted; or of the materials and labor used and to be used in any buildings; or of any artificers work whatever.

Any valuation or appraisement, on vellum, parchment, or paper where the		s.	d.
amount shall not exceed,	50l.	2	6
Exceeding 50 and not exceeding	100	5	
100 - - -	200	10	
200 - - -	500	15	
500 and upwards		20	
Appraisers license - - -		6	

Persons appraising property for hire to be deemed appraisers.

Annual licenses commence the 6th of July. Penalty on appraising without a license, 50l. Auctioneers duly licensed may act as appraisers. Penalty on neglecting to insert any valuation on a proper stamp, 50l. Penalty on persons receiving appraisements without a proper stamp, 20l. When appraisements extend to more than one piece of paper, &c. only one stamp to be used.

INCOME OR PROPERTY TAX.

Income that does not exceed 50l. is exempt; and to 150l. an allowance is made of 1s. in the pound.

TABLE OF INCOME, ILLUSTRATED BY EXAMPLE.

Income £.	Deduction £.	Deduction s.	Payment £.	Payment s.	Income £.	Deduction £	Deduction s.	Payment £	Payment s.
51	4	19	0	3	80	3	10	4	10
52	4	18	0	6	90	3	0	6	0
53	4	17	0	9	100	2	10	7	10
54	4	16	0	12	110	2	0	9	0
55	4	15	0	15	120	1	10	10	10
56	4	14	0	18	130	1	0	12	0
57	4	13	1	1	140	0	10	13	10
58	4	12	1	4	150			15	0
59	4	11	1	7	and 2s. for every succeeding pound.				
60	4	10	1	10					
70	3	0	3	0					

EXAMPLE I.

£ 60. at 10 per cent. 6*l.* duty; but as 60*l.* wants 90*l.* of 150*l.* 90*s.* or 4*l.* 10*s.* is taken from 6*l.* leaving 1*l.* 10*s.* to be paid by the person possessing an income of 60*l.* per annum.

EXAMPLE II.

£. 135. at 10 per cent. is 13*l.* 10*s.* full duty; but as 135*l.* is 15*l.* less than 150*l.* 15*s.* is deducted from 13*l.* 10*s.* leaving 12*l.* 15*s.* to be paid by the person possessing an income of 135*l.* per annum, which may be seen by inspecting the above table.

Persons who upon oath prove that their labor has not produced more than 5*s.* in one day, or 30*s.* in one week are exempt.

Persons actually possessing any landed or funded property not liable to any deduction from the 10 per cents.

ANNUAL LICENCES.

	£.	s.	d.
Ale, beer, cyder, or porter, by retail	2	2	
Auctioneers and appraisers		6	
Bankers	20		
Brewers. Every common brewer of table beer.	1		
Every common brewer of strong beer, if the quantity brewed within the year (ending the 5th of July) previous to taking out the licence shall not exceed one thousand barrels	1	10	
Exceeding 1000 and not 2000 barrels	2		
Exceeding 2000 and not 5000	5		
Exceeding 5000 and not 7500	7	10	
Exceeding 7500 and not 10,000	10		
And for every 10,000 bbls up to 40,000 10*l.* Exceeding 40,000	50		
Every person who shall first become a brewer of strong beer, 1*l.* 10*s.* and within ten days after the 5th of July next, such addition as, within the said sum shall amount to the duty before directed to be paid, according to the number of barrels brewed within the year.			
Candles. Makers of wax or spermaceti candles.	6		
Dealers in ditto, not being a maker		10	6
Chandler, or maker of other candles	1		
Coachmakers. Persons carrying on the trade		6	
Coffee, &c. Dealers in coffee, tea, cocoa nuts or chocolate		5	6
Glass. Glass-makers, for each glass-house	10		
Hats. Licence for vending by retail within London or Westminster, or the lists of the two-penny post	2		
In any other place than as last above mentioned		5	
Hides and Skins. Tanners within the weekly bills.	5		
Other tanners	2	10	
Tawers or white leather dressers	1		
Dressers of hides and skins in oil; and curriers	2		
Makers of vellum or parchment	1		
Hawkers	4		

Hawkers to have their number and the words "licenced hawkers" inscribed on every package or carriage, and his handbill or advertisment, affixed in any shop or room that he may take to expose his goods under a penalty of 10*l.* Every hawker selling goods by auction, where he is not a householder or resident, liable to a penalty of 50*l.* Hawker selling smuggled goods to forfeit their licence and incapable of being again licenced. Persons forging or using a forged licence, penalty 300*l.* Persons letting out, hiring, or lending licences, penalty 40*l.* Persons trading without a licence, 10*l.* Peace officers neglecting or refusing, upon notice, or view, to aid and assist in the execution of this act, each offence, 10*l.*

By an act of the last session, to amend and explain the hawker's act, persons, or their servants, conveying their goods from house to house, shop to shop, and selling at wholesale prices, in any quantity, to persons retailing them, and not for their own use, are exempt; also persons hawking coals, but not wood.

Lace.—Dealers in foreign thread lace	3	3	
Dealers in British thread lace		5	
If any dealer shall keep more than one house, shop, warehouse, or place, where he exposes thread lace to sale, such dealer shall take out a distinct license for every apartment so kept.			
Lottery offices	50		
Malsters.—If the quantity of malt made within the year, ending 5th of July in the year (previous to taking out the license) shall not exceed fifty quarters		5	
And 5*s.* extra for every fifty quarters.			
Persons becoming a malster to pay		5	
Medicines (Quack) in the bills	1		
——— in incorporate towns		10	
Elsewhere		5	
Duty on do.—Under and not exceeding 1s. 1 1-2d. Thence to 2s. 6d.—3d. Do. 4s.—6d Do. 10s.—1s. Do. 20s.—2s. Do. 30s.—3s. Do. 50s.—10s. All above 50s.—10s.			
Metheglin or mead.—Every maker for sale	1		
Physic.—To exercise the faculty of	10		
Paper.—Makers of paper or pasteboard, and paper stainers	2		
Pawnbrokers, in the bills	10		
Elsewhere	5		
Plate.—For persons trading in gold from 2 dwts. to 2 oz. and silver from 5 dwts. to 30 oz.	2	6	
All above that quantity, including pawnbrokers and refiners	5	15	
Post horses		5	
Public music gardens	3	3	
Theatres for music, songs, &c.	2		
Printed goods.—Calico printers, and every printer, painter, or stainer of linens, cottons or stuffs	10		
Soap.—Makers of soap for sale	2		
Tea dealers		5	6
Tobacco and snuff.—Manufacturers of tobacco and snuff, within the year ending the 10th of October (previous to taking out the license) shall not have exceeded 20,000 lbs. weight	2		
And for every 10,000 lbs. weight 1*l.* extra up to 100,000 lbs.—If 100,000 lbs. and not 120,000 lbs. 12*l.* If 120,000 lbs. and not 150,000 lbs. 15*l.* If the same shall have exceeded 150,000 lbs. 20*l.*			
Persons first becoming a manufacturer	2		
Dealers in do. (if within the limits of the chief officer in London or Edinburgh)		5	
In any other part of Great Britain		2	
Spirits.—Distillers or makers or low wines or spirits for sale or exportation	10		
Rectifiers, within England		5	
Dealers in brandy or other spirituous liquors or strong waters, not being a retailer		5	
Retailers, &c. in Great Britain, if the dwelling house shall not be rated at 15*l.* per annum	4	14	

If at 15*l.* and under 20, 5*l.* 2*s.*—20*l.* and under 25, 5*l.* 10*s.*—25*l.* and under 30, 5*l.* 18*s.*—30*l.* and under 40, 6*l.* 6*s.*—40*l.* and under 50, 6*l.* 14*s.*—50*l.* or upwards, 7*l.* 2*s.*

Starch.—Starch makers - - -	5	
Sweets.—Makers of sweets or made wines, other than mead, 5*l.* retailers of do.	2	4
Vinegar—Makers of vinegar, for sale	10	
Wine—Retailers of foreign wines who shall not have an excise license for retailing distilled spirituous liquors, or a license for the retailing of beer - - - -	5	4
If he shall have taken out license for retailing beer but not spirituous liquors	4	4
Wire drawers—Gilt or silver - -	2	

LEGACIES AND PERSONAL ESTATES.

Where the testator, testatrix or intestate, died before, or on April 5, 1805, and discharged after Oct. 10, 1808.

Brother or sister of deceased, or descendants, per cent. - - - - - -	10	
Brother or sister of the father or mother of the deceased, or any of their descendants - - - - - - - -	4	
Brother or sister of a grandfather or grandmother, or any of their descendants	5	
Other degrees of consanguinity, or any stranger in blood - - - - -	8	

After April 5, 1805, discharged as above.

Child of the deceased, or any of its descendants - - - - - - -	1	
Brother or sister of the deceased, or, &c.	2	10
Brother or sister of the father or mother, &c.	4	
Brother or sister of the grandfather, &c.	5	
Other degrees of consanguinity, or stranger in blood - - - - - -	10	

Husband or wife of the deceased, and the royal family exempt.

Annuities, or any other partial benefit, out of any such estate or effects shall be deemed legacies.

NEW STAMP DUTIES—48 Geo. III. Cap. 149.

RECEIPTS.

	s. d.		s. d.
For 2*l.* and under 10*l.*	0 2	100*l.* and under 200*l.*	2 0
10*l.* 20*l.*	0 4	200*l.* 500*l.*	3 0
20*l.* 50*l.*	0 8	500*l.* and upwards	
50*l.* 100*l.*	1 0	(and rec'ts in full)	5 0

The stamp to be at the expence of the party giving the acquittance.

PROMISSORY NOTES,

To bearer on demand for any sum of money.

	s. d.		s. d.
Not above 1*l.* 1*s.*	0 4	Abo. 20*l.* not abo. 30*l.*	3 6
1*l.* 1*s.* not above 2*l.* 2*s.*	0 8	30*l.* 50*l.*	4 0
2*l.* 2*s.* 5*l.* 5*s.*	1 0	50*l.* 100*l.*	7 6
5*l.* 5*s.* 20*l.*	1 6		

Said notes not exceeding 2*l.* 5*s.* may be re-issued as often as thought fit; and not above 100*l.* from time to time, during three years from date.

PROMISSORY NOTES,

In any other name than to bearer on demand, not re-issuable.

	s. d.		s. d.
For 2*l.* not abo. 5*l.* 5*s.*	1 0	For 30*l* not above 50*l.*	2 0
5*l.* 5*s.* 30*l.*	1 6	50*l* 100*l.*	3 0

PROMISSORY NOTES,

Either to bearer on demand, or in any other manner, not re-issuable.

	s. d.		l. s. d.
For 100*l* not abo. 200*l.*	4 0	For 1000*l* n't 3000*l*	0 10 0
300*l* 500*l.*	5 0	Above 3000*l*	1 0 0
500*l* 1000*l.*	7 6		

Promissory notes payable by instalments; the same as after date.

INLAND BILLS OF EXCHANGE.

	s. d.		l. s. d.
For 2*l.* and not above 5*l.* 5*s.*	1 0	Above 200*l.* not abo. 500*l.*	0 5 0
Above 5*l.* 5*s.* 30*l.*	1 6	500*l.* 1000*l.*	0 7 0
30*l.* 50*l.*	2 0	1000*l.* 3000*l.*	0 10 0
50*l.* 100*l.*	3 0	3000*l.*	1 0 6
100*l.* 200*l.*	4 0		

Foreign bills of exchange, or bills of exchange drawn in, but payable out of Great Britain, if drawn singly and not in a set, the same duty as on inland bills.

P. S.—Bankers checks drawn ten miles from the residence of the bankers, must be stamped as a bill of exchange, and specify the place from whence drawn, payer, and acceptor of any check drawn contrary to this act, will effectually prevent the payment of any such draft in future.

Post dating, if on plain paper, liable to the same penalties.

FOREIGN BILLS OF EXCHANGE.

	s. d.		s. d.
Not above 100*l.*	1 0	Above 500*l.* not above 1000*l.*	4 0
Above 100*l.* not above 200*l.*	2 0	1000*l.* 3000*l.*	5 0
200*l.* 500*l.*	3 0	3000*l.*	10 0

Every bill of each set is chargable with the respective duties, bank of England exempted, paying yearly £42,000.

PROTESTS ON BILLS OF EXCHANGE OR PROMISSORY NOTES.

	s. d.		s. d.
Under 20*l.*	2 0	100*l.* under 500*l.*	5 0
20*l.* under 100*l.*	3 0	500*l.* or upwards	10 0
Protest of any other kind			5 0
For every succeeding sheet, a progressive duty of			5 0

Inland promissory notes, bills of exchange, &c. for less than 20*s.* void—Persons uttering such notes or bills, for less than 20*s.* &c. shall forfeit, not exceeding 20*l.* nor less than 5*l.*

BONDS.

	l. s. d.		l. s. d.
Not above 100*l.*	1 0 0	Not above 4000*l.*	6 0 0
300*l.*	1 10 0	5000*l.*	7 0 0
500*l.*	2 0 0	10000*l.*	9 0 0
1000*l.*	3 0 0	15000*l.*	12 0 0
2000*l.*	4 0 0	20000*l.*	15 0 0
3000*l.*	5 0 0	Above 20000*l.*	20 0 0

BONDS TO SECURE ANNUITIES,

Or, sums of money at stated periods, for term of life, or other indefinite period, so that the money cannot be previously ascertained.

	£ s.		£ s.
Under 10*l.*	1 0	400*l.* & under 500*l.*	6 0
10*l.* and under 50*l.*	1 10	500*l.* 750*l.*	7 0
50*l.* 100*l.*	2 0	750*l.* 1000*l.*	9 0
100*l.* 200*l.*	3 0	1000*l.* 1500*l.*	12 0
200*l.* 300*l.*	4 0	1500*l.* 2000*l.*	15 0
300*l.* 400*l.*	5 0	2000*l.* or upwards	20 0

APPRENTICESHIP OR CLERKSHIP.

Indentures except articles of clerkship to attorneys and others specifically charged.

	£ s.		£ s.
A premium of 30*l.*	0 15	400*l.* to 500*l.*	20 0
30*l.* to 50*l.*	1 10	500*l.* 600*l.*	25 0
50*l.* 100*l.*	2 10	600*l.* 800*l.*	30 0
100*l.* 200*l.*	5 0	800*l.* 1000*l.*	40 0
200*l.* 300*l.*	10 0	1000*l.* or upwards	50 0
300*l.* 400*l.*	15 0		

Where no consideration as aforesaid; if the indenture does not contain more that 1080 words, - - - -	0	15	0
The same containing more than that quantity - - - - -	1	10	4
On indentures assigned or turned over, duty in proportion to the value of new consideration only.			
Where no new consideration, if the indenture does not contain more than 1080 words, - - - - - -	0	15	0
The same containing more than that quantity, - - - - -	1	10	0

Where duplicates, each part shall be charged with the duty aforesaid, where it does not exceed thirty shillings; and above that sum only one part shall

be charged with the ad valorem duty and the other part with a duty of, 1 10 0

Charity children bound, or assigned to a new master exempt.

ARTICLES OF CLERKSHIP.

To any attorney or solicitor in any of his majesty's courts of Westminster, sworn clerk, clerk in court, or side clerk in the court of chancery, court of exchequer, or proctor in ecclesiastical court, 120 0 0

—— in any of the courts of Wales, Chester, Lancaster, and Durham, holding pleas where debt or damage amounts to 40*s*. - - - - - - - - 55 0 0

Duplicates of any such articles, - 1 10 0

Persons having paid the 120*l*. duty on the first instance, and enters into articles in any other court, - - - - - 1 10 0

Deeds, awards, charter-parties and other instruments containing 2160 words, 1 10 0

If above 2160, then for every 1080 over and above the first 1080, a further progressive duty of 1 0 0

AGREEMENTS.

Of 1080 words	0 16 0	Every 1080 words over the 1st 1080	1 0 0
More than 1080 do.	1 10 0		

Letters stampt to produce as evidence 1 0 0

Debentures 4*s*—Inventory or schedule 1*l*—and the same sum for every 1080 words after the first 1080—Transfer of bank or south sea stock 7*s* 9*d*—of East India stock 1*l* 10*s*—Letter or warrant of attorney 1*l*. Letter, or power of attorney for petty officers, seamen, marines or soldiers, for receiving prize-money, 1*s*.

Bill of lading to be exported	0 3 0	Passport .	0 5 0
Indemnity bond	1 0 0	Bond relating to excise or custom	0 15 0

POLICIES OF INSURANCE UPON LIVES.

Under 500*l*	0 15 0	500*l* or upwards	1 10 0

Upon buildings, goods, merchandize, &c. from fire only - - - - - - 0 1 0

Upon coasting ships, vessels, goods or freight.

Premium under 20*s* per cent. any sum not above 100*l* - - - - - - 0 1 3

Above 100*l* for every 100*l* or fractional part 0 1 3

Premiums above 20*s* per ct. not above 100*l* 0 2 6

Above 100*l* for every 100*l* or fractional part 0 2 6

Separate interests in one policy 1*s* 3*d* or 2*s* 6*d* in respect of each 100*l* or fractional parts, as the case may require.

Any other voyage not exceeding twelve months. Premium above 20*s* per cent. pays double the above.

POLICY OF MUTUAL INSURANCE.

Upon any coasting voyage, for every 100*l* or fractional part. - - - - - 0 2 6

Upon any other voyage not exceeding 12 months, every 100*l* or fractional part, insured to any person - - - - - 0 5 0

Insurances (not before charged) from loss or damage of any kind, pay, in every case, double the duties laid upon coasting ships, &c.

Assignation or assignment of any property, real or personal, not otherwise charged nor expressly from duty - - - - - - - - 1 10 0

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words a further progressive duty of 1 0 0

AWARD in England or Scotland 1 10 0

And for every 1080 words above the first 1 0 0

LETTERS of mark and reprisal 5 0 0

Letter or warrant of attorney 1 0 0

Letters or power af attorney for petty officers, seamen, mariners or soldiers, for receiving prize money. 0 1 0

LICENCE for marriage in Eng. if special 5 0 0

if not special 0 10 0

Licence not otherwise charged, which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary 2 0 0

MEMORIAL to be registered pursuant to any act for registering of deeds 0 10 0

COMPOSITION—Deed of, between debtors and their creditors 1 10

CONVEYANCES.

CONVEYANCE, whether grant, assessment, transfer, release, renunciation, or of any other kind upon the sale of any lands, tenements, rents, annuities, or other property, real or personal, heritable or moveable, where the purchase or consideration shall not amount to 50*l*—15*s*.

	£.	s.	d.		£.	s.	d.
50 and not 150	1	0	0	5000 and not 7500	50	0	0
150 and not 300	1	10	0	7500 and not 10000	75	0	0
300 and not 500	2	10	0	10000 and not 15000	100	0	0
500 and not 750	5	0	0	15000 and not 20000	150	0	0
750 and not 1000	7	10	0	20000 and not 30000	200	0	0
1000 and not 2000	10	0	0	30000 and not 40000	300	0	0
2000 and not 3000	20	0	0	40000 and not 50000	400	0	0
3000 and not 4000	30	0	0	50000 and upwards	500	0	0
4000 and not 5000	40	0	0				

And where any freehold shall be conveyed by feoffment with or without any letter of attorney therein contained to deliver, seisin, or by a deed of bargain and sale enrolled, such deed, feoffment or bargain and sale, unless accompanied with a lease and release, shall be charged with a further duty as follows:

If the consideration should be under 50*l*. 0 15 0

If it shall amount to 50 and not to 150*l*. 1 0 0

If 150*l*. and upwards - - - - 1 10 0

MORTGAGES.

Not above	50*l*.	0 15 0		Not above	3000*l*.	6 0 0	
do	100*l*.	1 0 0		do	4000*l*.	7 0 0	
do	150*l*.	1 10 0		do	5000*l*.	8 0 0	
do	300*l*.	2 0 0		do	10000*l*.	10 0 0	
do	500*l*.	3 0 0		do	15000*l*.	12 0 0	
do	1000*l*.	4 0 0		do	20000*l*.	15 0 0	
do	2000*l*.	5 0 0		Exceeding	20000*l*.	20 0 0	

Probates and Letters of Administration.

Letters of administration or probate of a will of any person deceased, exclusive of what the deceased shall have been possessed of, as a trustee and not beneficially.

	£	s.	d.
Above the value of 20l. and under 100l.	0	10	0
Above 100l. and under 200l.	2	0	0
Above 200l. and under 300l.	5	0	0
Above 300l. and under 450l.	8	0	0
Above 450l. and under 600l.	11	0	0
Above 600l. and under 800l.	15	0	0
Above 800l. and under 1000l.	22	0	0

And so in proportion up to 500,000l. or upwards, for which the duty is 6000l.

Exemptions—Letters of administrations and probates of will, of any common seaman, marine, or soldier, who shall be slain, or die in the service of his majesty.

Transfer of Bank or South-Sea stock			1 7 0
East India stock - -			1 10 0
Bill of Lading to be exported	0 3 0	Passport	1 5 0
Indemnity bond	1 0 0	Bond relating to excise or custom	0 15 0

Debentures, entitling any person to receive any drawback of duties or bounty of customs, or excise for goods exported 0 4 0

Deputation or appointment of a gamekeeper - - - - - - - 1 10 0

Faculty, licence or commission for admitting a notary public 30 0 0

Inventory or Schedule, - - - 1 0 0

And the same sum for every 1080 words after the first 1080.

Bargains and Sale (or lease) for a year to accompany a release of the freehold upon sale thereof, where the purchase money in the release shall not amount to 50*l.* - - - - 0 15 0

Amounting to 50*l.* and not 150*l* 1 0 0

150*l.* and upwards - - - 1 10 0

Certificate, to be taken out yearly, by every attorney or solicitor, and by every proctor, if he reside within the limits of the two-penny post, and shall have been admitted for the space of three years and upwards - - - 10 0 0

For less than three years - - 5 0 0

Residing in the country, having been admitted three years or upwards 6 0 0

If he shall not have been admitted three years - - - - - - 3 0 0

The like certificate to be taken out yearly by every person being a member of the four inns of court, who shall, in the character of a conveyancer, special pleader, or draftsman in equity, act with a view to any fee or reward 10 0 0

Certificate of Marriage, except of any common seaman, mariner, or soldier - - 0 5 0

Certificate of goods having been duly entered inwards and issued for enabling any person to obtain a debenture or certificate, entitling him to receive any drawback of duties or customs - - - - - - 0 4 0

STAGE COACH AND POST HORSE DUTIES.

Where there are more outside passengers than are allowed by this act, such penalties to be imposed upon the owner or any person driving such carriage aftermentioned, provided that no child in lap, or under seven years of age shall be included, unless more than one, that two of such children shall be equal to one grown person, and so in proportion.—No person paying as an outside passenger shall be permitted to sit as an inside passenger, unless with the consent of one inside passenger next to whom such outside passenger shall be placed. Where such coach is wide and commodious, and duly licensed, four outside passengers shall be permitted to sit in the front, but the number shall not exceed ten.—Height of stage coaches eight feet nine inches from the ground. No luggage to be carried on the roof exceeding two feet in height, if drawn by four horses, or eighteen inches if drawn by two or three. No passenger to sit on luggage under a penalty of 50*s.*

If with four horses ten outside—two or three horses five outside—long or double bodied eight outside, exclusive of coachman but including guard.

Penalty 10*l* on coachman permitting another to drive.

Penalty 10*l* on carrying more outside passengers than the license permits. Summons left with the book-keeper to be good service. Drivers of stage coaches leaving their horses, or neglecting their duty, penalty not less than 10*s* or more than 10*l.*—Not to extend to hackney coaches drawn by two horses only. Drivers incapable by intoxication, retarding his majesty's mails, or not accounting for passengers and parcels taken by them, shall be committed.

If the guard fires off his arms except for defence. to forfeit 5*l.* Carriages of a certain description, carrying no luggage except in the inside or boot, to carry an additional number of passengers. Hackney coach stages are exempted from the operations of this act.

Any person letting horses to travel post, or for a day, or any less period than 28 successive days, to pay a licence of - 0 5 0

Any person who shall keep a public stage coach, for carrying not more than four inside passengers (children in lap excepted) to pay yearly for each carriage 0 5 0

Carrying more than four, and not more than six inside - - - - - - - 0 6 0

If more than six, not more than eight - 0 7 0

If more than eight, not more than ten - 0 9 0

The christian and surname of the proprietors must be painted on the outside pannel of each door, with the name of the place from whence they set out and to which they are going, on pay of 10*l.*

Every licensed proprietor of any such carriage, who shall discontinue the same, shall give notice in writing seven days before, and shall have such notice indorsed upon his license or bond, and from thenceforth he shall be no longer chargeable.

Post masters, inn-keepers, and other persons, letting post horses, without a license, forfeit 10*l.* and keeping more than one inn under one licence, 20*l.*

And must also have "licensed to let post-horses," on the fronts of their houses, on pain of 5*l.*

THE QAURTERING OF SOLDIERS.

By an act passed the twenty-ninth of June, 1810, inn-keepers are allowed eight pence per day for each non-commissioned officer and soldier quartered on them, and are required to supply them with a pound and a quarter of meat previous to being cooked, one pound of vegetables, one pound of bread, two pints of small beer, and pepper, salt and vinegar.

And the sum of one shilling and two pence for hay and straw per day, for each horse, instead of sixpence.

The former mode of furnishing diet to non-commissioned officers and soldiers is repealed, and in lieu thereof, all commissioned officers and soldiers are to receive diet and small beer from their quarters, at the rates above prescribed while on their march; as also on and for the day of their arrival at the place of their final destination, and the two subsequent days, unless the subsequent day shall be a market day in the town where such soldiers shall be billetted, or within two miles thereof, in which case the innholder may discontinue, on such market day, the supply of diet and small beer, and furnish in lieu thereof, the articles in the said act, specified at the rate before mentioned.

Important Argument.

From the Providence (R. I.) Phoenix.

On the 4th inst. a novel and highly interesting question was argued before the district court of the United States, holden by his honor judge Howell, in this town, in the case of a libel against the ship *Aurora*, of Newburyport, prize to the privateer Governor Tompkins, of New-York, found sailing under a British Licence. The principal documents produced on the part of the libellants were—a Consular copy of a letter from admiral Sawyer, commanding on the Halifax station, referring to a previous correspondence between the admiral and Andrew Allen, jun. British Consul at Boston, on the subject of supplies from America, reciting the necessity and policy of maintaining a constant supply of provisions from America to the British West India islands, with assurances to the Consul that his majesty's vessels of war would be directed to permit to pass and fully to protect all American vessels so laden and bound, and which should have on board the pass or licence of the consul, with a copy of the admiral's letter authenticated by the consul; also, a pass signed by the Consul at Boston, with such authenticated copy annexed; also, a pass of the

consul from Newburyport for Norfolk, the port where the Aurora was to take in her cargo for the West-Indies.——The official papers explicitly stated the intention to be, a supply of the British West India Islands, although the ship's papers purported a voyage to a neutral port. There was some other matter connected with this cause, but the above evidence founded the point most interesting to the community. We present a statement of the case, more from the magnitude of the legal question than a wish to make it a subject of mere party discussion; but at the same time we think it a duty incumbent on every American, most pointedly to reprobate a practice so manifestly criminal and injurious to the country.

In the opening of the case John Woodward, esq. a distinguished counsellor from the city of New-York, occupied nearly 8 hours in a series of the most cogent and connected arguments, during no moment of which period, was the attention of the court or audience suspended. What peculiarly distinguished this gentleman's reasoning was, that he urged no position or doctrines which he did not support by the production of some principle of the law of nations, or some decision founded on that law. It cannot be expected that we should, from memory, precisely state the whole of Mr. W's very ingenious and truly legal disquisitions, which extorted the most respectful approbation of the Bench, and the admiration of the auditory. As a preliminary ground, he clearly established, that the statuary forfeitures of Congress had no bearing on the case, excepting so far forth as a binding municipal regulation was auxiliary to the provisions of internal law. His main proposition was, "That obtaining from an authorised agent of Great Britain, pay for sailing under, and exhibiting upon the high seas, as protection for the voyage, a British License of pass and trade, by an American citizen, without the permission of his own government, the two countries being at war, are in themselves cause of capture and condemnation, as prize of war." To support this proposition, a variety of grounds were taken, among which were—That licences were factitious and not a part of the law of nations; but the creatures, 1st of prerogative, and that confined to municipal regulation; or 2d, of compact; or 3d, of parliamentary provision; that the licences in question were against the nature and law of war, as they put it in the power of particular individuals to relax or abate the rigor of the war; against the obligation of allegiance; and that the stipulations of such licences could not be enforced by any known law: That the obtention and possession of those licences of pass and supply, and the sailing under them, knowing of the war, was a *trading* with the enemy, independent of the port of destination, and of the right of property, which may be the subject of such trade: That the case of a licence to trade to a citizen or subject from his own sovereign, was distinct from that of a licence to a citizen or subject of one of the belligerents from the enemy, without the sanction of his own government; and would be the supposed case of the neutral, for no question like the present could arise between the neutral citizen or subject and his own nation, as that nation would not be a party to the war, and the description of rights here involved would not in that case be in question.

"The question," said Mr. Woodward, "whether the property be American or British, matters not, provided the indirect or direct trading with the enemy be established. If you use your property so as commercially to benefit and carry into effect the *prescribed and stipulated commercial views* of the enemy, and under a *formal license of protection or supply*, this is as much trading with the enemy, as if the subject of trade were the property of the enemy, and the destination an enemy's port. In the latter case you trade *direct*—in the former *indirect*. If a different doctrine prevailed, a national right would be sacrificed at the shrine of the meanest artifice."—"But," continued Mr. W. if you *pay* the enemy for such a license, the case is still stronger, as the transit of the medium of commerce stamps a commercial character upon the transaction; and in this light alone converts it into a supply." "As to the locality in the inception of the this transaction," Mr. W. said, "it is the known legal rule of construction, that its deleterious character is communicated to the ship, the cargo, and the voyage, for which the transaction is intended to provide, and which are described on the face of the license.

In the close of his very able and luminous brief, Mr. *Woodward* observed, that "much as to the interpretation and inapplication of the rules of the law of nations, will depend upon the *character* of the war in which we are engaged. The war of the United States with Great Britain (he proceeded) is a war between two maritime and commercial nations, in support of an independent commerce. The rules of decision which have applied the law of nations *to the conduct of the citizens of each belligerent*; have been always so construed and applied as to effectuate the notorious reasons and policy of the war. This is not a theory, but has been emphatically pronounced by the decisions to which I have referred; and it will be found by those decisions, that the principles of the law of nations have always been, *under legal discretion*, restrained or enlarged, so as to effectuate and not intercept the notorious and avowed policy of the war. And more particularly has this principle been enforced upon questions arising upon the conduct of a citizen of one of the belligerents with his own nation; which is the present case. To trade with, or hold a *commercial intercourse*, whether by persons or property, with the enemy, without the license of one's own government, is proven by all the writers upon the law of nations, and all decisions touching this point, as adverse to the policy of war waged for the purpose of commerce—that it amounts to a misdemeanor, and is cause of confiscation and condemnation. Suppose our citizens be permitted thus to obtain, pay for, and act upon these licenses; they would be in the practice of all the evils and derangements which the law of war is intended to prevent; they would facilitate treacherous correspondence, information and supplies to the enemy—the very evils assigned for the prohibition of *all commercial intercourse*, or, in the language of sir William Scott, (in the case of the Jonge Pietre) "all communication, direct or indirect, without the license of government," with the enemy. The anomaly of a citizen at peace and his nation at war, would emphatically exist; nay—the absurdity of that citizen making his peace and his fortune by the disposition of the enemy, obtained adversely to that of his own government. It is also easy to perceive that by those licenses it would be in the power of the enemy to destroy or counteract the internal commercial policy and relations of the states, or politically to distract the union, by concentrating the trade into some particular state, or casting it into the hands of a particular party. It is the language of a finished civilian, that 'there is no such thing as a war for arms and a peace for commerce"

"If we silently permit our citizens to traverse the ocean under such licenses of pass and supply from the enemy, (Mr. W. added) it has been already proven, that by the basest collusion between Ameri-

can citizens and the British government, we enable the enemy to take by stealth a portion of our national sovereignty; and if this high principle of national honor thus *bear the touch*, it would be better to surrender the whole. In a commercial war, which is always preventative and restrictive, by such licenses of pass and supply, the enemy would assume the right of regulating the commerce and directing the capital of our own citizens; the independence and integrity of one of the belligerents would be less in the dependence and prospects of its citizens or subjects upon the authority or courtesy of the other: The civil relation, the national pride and the boasted morals of our countrymen would be corrupted or destroyed by the deleterious influence of foreign gain; and that distinguishing and repellant point of character which marks the American citizen, both at home and abroad, and which now stamps our national character upon the fears and the admiration of the world, would be found at the feet of the enemy, or lost in the mazes of British corruption."

This cause commenced on Thursday and continued until Monday afternoon, when the attorney-general Burrill, and Mr. Boss of Newport, as counsel for the claimants, (Clark and Wheelwright, of Newburyport) having closed a very elaborate and ingenious argument on their part, Mr. Robbins, U. States district attorney, was about commencing what we have no doubt would have been a finished plea in behalf of the libellants, when the court superceded an argument on his part, by pronouncing a very strong and able judgment, condemning the ship and cargo to the captors. It was remarked that the judge's opinions were in complete coincidence with the doctrines and arguments so powerfully enforced by Mr. Woodward.

In the course of his plea in the above case, Mr. Burrill stated, that it was within his knowledge, that a gentleman of this town purchased a British license in London for nine guineas, and the same license was afterwards sold in New-York for $ 1650.

JUDGE DAVIS'S OPINION

IN THE CASE OF THE BRIG HIRAM OF BALTIMORE.

MASSACHUSETTS DISTRICT.

DISTRICT COURT.

IN ADMIRALTY, Feb. 6, 1813.

ASA HOOPER *and als. Master, Owners, and Crew of the private armed brig Thorn,*

VERSUS

Brig Hiram and Cargo, JOHN B. BARKER, *master.*

Samuel G. Griffiths, *claimant of the vessel and 28 barrels of flour.*
Cornthwait & Carey, *and als. claimants of the residue of the cargo.*

This vessel, laden with flour and bread, sailed from Baltimore for Lisbon, on or about the 24th September last, and on the 15th of October was captured by the Thorn, and brought into the port of Marblehead. The vessel is not entitled to a register, but is duly documented as the property of Griffiths, the claimant, by a certificate from the collector's office at Baltimore, dated June 24th, 1811. Among the ship's papers, delivered to the captors, there was no document specifying the owners of the cargo. The supercargo, in his examination before the commissioners at Marblehead, on the 3d of Nov. declares the cargo (excepting 100 barrels of bread, the master's adventure) to be the property of several shippers at Baltimore, whose names he could not recollect, though he says he had received from them letters of instruction. The master, on his examination, November 14th, declares the property to be as it is claimed, naming all the shippers, as they now appear to be evidenced, excepting one, and states that he signed bills of lading to the several shippers. The omission of the name of one of the shippers in the master's evidence, is believed to be inadvertent, as the bills of lading were not in his possession. Four days after his examination, the supercargo delivered to the commissioners a bill of lading and invoice of the whole cargo, excepting the master's adventure. By those documents, Samuel G. Griffiths appears the sole shipper, and his orders to the supercargo are annexed, directing him, on his arrival at Lisbon, to dispose of the cargo, and to remit the proceeds to the shipper's correspondents in Liverpool, in England. The master also had written orders from Griffiths, the owner of the vessel, to make sale of her at Lisbon, if any advantageous offer should be made, and to remit the amount to England. By the affidavit of claim for the lading, made by the supercargo it is stated, that only twenty-eight barrels of flour belong to Griffiths; that the residue belongs to the other claimants in different proportions; that a separate bill of lading and invoice was made out for each shipper, excepting Griffiths; and that the master also signed a bill of lading for the whole of the cargo as the property of Griffiths; that all the separate invoices and bills of lading with the instructions of the respective shippers, were deposited with Griffiths for safe keeping, the supercargo having first taken extracts for his guidance in relation to the disposal of the cargo; that the general bill of lading with an invoice and letter of instructions from Griffiths, purporting the whole to be his property, were delivered to the supercargo at the time of sailing, and were on board at the time of capture. In explanation of this arrangement, it is stated, that it was thought advisable to have but few papers on board, in order to prevent embarrassment and delay, in case the vessel should be taken on her voyage, and carried into any foreign port. An objection was made to the admission of the papers delivered to the commissioners, by the supercargo, after the examination, but it was waved, and those papers were admitted by consent.

Among the papers found on board, was a license or protection, being a certified copy of a letter from admiral Sawyer to Andrew Allen, esq. late British consul at Boston, and an additional protection or letter of safe-conduct from Mr. Allen. The vessel being found sailing with these instruments, appears to have been the cause of the capture and bringing in, though other additional grounds for condemnation have been alleged and urged on the trial, particularly the destination of the proceeds of sale of vessel and cargo according to the instructions. The variance between the assorted interest in the cargo, and the papers on board, rendered further proof of property requisite. An order was made for that purpose, after a hearing upon the papers found on board, and the preparatory examination. Exceptions were made to the testimony of the master and supercargo, in some particulars, which were supposed to render further proof inadmissable. The omission to disclose the invoice, bill of lading and orders above mentioned, on the examination, is not indeed explained to entire satisfaction, especially on the part of the supercargo, to whom those papers were committed; and it must appear in a degree strange, that the supercargo should not be able, on his examination, to recollect the name of the shippers, whose property was committed to his management, and of whose instructions, though not then in his possession, he had taken minutes. I do-

tice the explanations that have been offered. The omission, as to the invoice and bill of lading, whatever may have been its character, whether voluntary or inadvertent, was speedily repaired by a delivery of the papers in question to the commissioners; and I do not find the exceptions to the evidence of such a description as to justify a peremptory conclusion against the owners, and to preclude an opportunity for further proof of their asserted claims. That proof has been produced, together with proof relative to the manner in which the license was procured. The evidence presented fully establishes the property to be as claimed, and supports the account given in the affidavit of claim, by the supercargo, as to the ownership and arrangement relative to this voyage. The reason given for this simulation of papers, which corresponds with that given by the supercargo, I must admit to be real, though I must add, that the proposed advantage does not appear of sufficient importance to require such a disguise. It has had the common effect of such simulations, to perplex the inquiry and give a dubious character to the transaction. I know that to a limited extent there is an indulgence to such disguises in courts of Admiralty, if the cause be explained to the satisfaction of the court, especially if intended to relieve from difficulties imposed by the restrictions of an enemy, and not originating in views to avoid or defraud the regulations of the country of the owners. The worst effect of such disguises, and it is a very serious one, is their liability to induce an adherence to papers on oath, by what has been denominated *ship morality*, too often widely different from that genuine morality, which is the basis of confidence and the great cement and support of social security and order.

Having permitted these claims to be verified by farther proof, the real state of facts relative to the voyage is clearly evidenced, in every material circumstance. The vessel and cargo are wholly owned by citizens of the United States, the destination was for Lisbon, and the cargo was there to be sold on account and risque of the owners, the proceeds to be remitted to England.

The destination was a lawful one. But it is contended that the claims should be rejected and the vessel and cargo condemned to the captors. 1. On account of the British protection or license. 2. For the destination of the proceeds, or the directions relative to the remittance, which are said to be in violation of the law of war and the allegiance of the persons concerned in the voyage. These questions are novel and important—no express authority is produced by which they can be determined. There are no statute provisions on the subject, and it has fallen to my lot to examine the principles, to trace and estimate the analogies urged or suggested as a ground of decision. The investigation has been pursued with diverted attention to other causes necessarily requiring a determination.

In regard to both the questions, it is obvious, that the considerations by which they are to be governed have reference merely to the rights and duties of a citizen in regard to his own country in a state of war. How the transaction would be viewed by the laws of nations, if the vessel had been captured by a ship of another belligerent with whom Great Britain is at war, makes no part of the present enquiry.

The license, as it is called, is composed of three papers—a copy of a letter from admiral Sawyer, dated at Halifax, Aug. 5, 1812. Mr. Allen's certificate, annexed to and authenticating the copy, dated at Boston, Sept. 15, and another certificate from the same gentleman of the same date, addressed to all officers of his Britannic majesty's ships of war, or of privateers belonging to his subjects.*

It is contended that these papers stamp a hostile character on this vessel and voyage, which is insurmountable and fatal; that the American character of the vessel and adventure is forfeited by an association with enemies, and by being voluntarily placed under the protection of the enemy's armed force; and it is further contended that the possession of such license is evidence of an illegal commercial intercourse with enemies, and of enemies' interest in the concern, or of a subserviency to the views of the enemy, in violation of the duties of the citizen and of his allegiance.

What shall constitute a hostile character, is sufficiently well determined in many instances, which are strongly marked. One characteristic is the sailing under the *flag and pass* of the enemy. This is conclusive to the character of the ship, and is a complete bar to the claims of an asserted neutral proprietor, (5 Rob. 13, Am. ed.) If assumed by a subject of the capturing belligerent, it would be equally conclusive as to grants, and would be decisive against the admission of any claim. In giving judgment on a case of this description, in relation to the Dutch flag and pass, assumed by a neutral, Sir W. Scott observes, that ships have a peculiar character impressed upon them by the special nature of their documents with which they are so invested, to the exclusion of any claims of interest that persons living in neutral countries may actually have in them. In the same case, he makes a distinction, however, between such a complete adoption of the hostile character, and a pass or licence for a particular purpose relative to the enemy's trade, without an alteration of the neutral character of the ship. The counsel for the claimants in the case of the *Vrow Elizabeth*, cited the case of the *Clarissa*, in which the American owner obtained restitution of his share of the ship, though the vessel had sailed from Holland under a special pass or license from the authority of that country, to engage in the colonial trade. In that case, says Sir W. Scott, the ship had merely a colonial pass or license, being in all other respects undoubtedly and avowedly an American ship, and described as such in the usual American documents. The distinction is applicable in the present case. The ship and cargo, which are clearly American property, are documented as such; the papers, from the officers of the British government, also recognize her as such, and are merely intended to exempt the property from capture by the enemy's cruisers. The arrangement is an unusual one, and we have no express precedent by which to determine its legal operation. Exceptions from capture have sometimes been made by the belligerents from motives of humanity, as in the case of fishing vessels: and at one time when Spain was at war with Great Britain and distressed by famine, in favor of vessels bound with grain to that country. Antiently, the admiral of France had the power of forming fishing truces, or of granting passports to individuals to continue their fishing or trade unmolested. It is not contended, that a vessel taking the benefit of these indulgences would be considered as offending, though in the instance of the French passports to fishing vessels, they were occasionally given to individual vessels, and did not operate by general order or decree. In the present case it was not competent for Admiral Sawyer to give a general security against all the cruisers of his country, but he declares, that he shall give directions to the commanders of the squadron under his command,

* See page 26 of the present volume.

not to molest American vessels, unarmed, and laden with flour and other dry provisions *bona fide* bound to Portuguese or Spanish ports, whose papers shall be accompanied with a certified copy of his letter under the consular seal of Mr. Allen. This is the mode adopted to notify the cruizing ships of the admiral's instructions. If he had elected another method, and had published his instructions in the Gazette at *Halifax*, it surely could be no offence against the duties of a good citizen bound on a lawful voyage, to take with him one of the British newspapers, containing such instructions, as a security on such lawful voyage, not prohibited by the laws of his country. A certified copy of the letter, by a by a known officer, has, as appears to me, no other legal effect or operation. Mr. Allen's consular powers may indeed have terminated by the war, though his residence in the country was permitted, and I shall not undertake to decide on the propriety of his signing in that capacity. It was probably considered as a mode which would give greater security to the holders of the instrument, and render it less liable to exception or doubt from the enemy's cruisers. In this view it was rendered more valuable to the holders, and the procedure is entitled to candid consideration; at any rate I cannot consider it as giving a vitious taint to the transaction, so as to subject the citizen receiving such a document to process of condemnation from the authorities of his country, which are to decide upon the operation of the paper. Mr. Allen aims to bestow a more extensive security than what is given by admiral Sawyer; but it is, as it necessarily must have been, merely advisory. It is addressed to the officers of all the ships of war of his country, public or private.

The views and intentions manifested by those officers in these papers, have been particularly urged in argument. It is said that they fully express purposes favorable to the enemy, and that the acceptance of papers with such indications implies a voluntary subserviency to British interests. In whatever terms these papers had been drawn, no one could suppose that they were granted from mere good will to this country, and if that had been affected, it sould have deceived no one. In fact, whether expressed or not, the state of things presented a case in which there was a coincidence of interests. When this trade was left open, after the declaration of war, it must have been understood, that Great Britain would feel an interest in its prosecution. This could not but have been perceived and considered, when the act of the 6th July last, relative to *trading with the enemies of the United States*, was passed. The subsequent relaxation of the rights of war and of capture, on the part of the enemy, relative to such trade, only presents a more decided manifestation of the estimated importance of the trade to G. Britain. It still is a legal and innocent trade to our citizens, until prohibited by statute; nor do I conceive, that the expressions in the papers should subject the citizens to the imputation of intending the promotion of the views of the enemy; he has his own interest in view, and so far as any public considerations enter into the enterprise, he ought to be considered as favouring the views and interests of the country, who have left the trade open under a full contemplation of the state of the country and of the world politically and commercially. On the face of the instruments, therefore, and viewing their whole tenor, I consider them not as conclusive against the claimants who are the holders of them. But the relaxation is not universal, and from the very nature of partial exemptions, they are liable to a degree of suspicion —though not in themselves absolutely vitious, they may become so by the manner in which they were obtained, or the conditions on which they were granted, I have, therefore, in this case and another of similar description (the schooner Hero) required further proof on this head, and the order for further proof is limited to the claimants, according to the general rule in prize cases, 3 Rob. 267, American Ed.

By the proof that has been produced relative to the licence in this case, it appears to have been purchased of a citizen of the United States, an inhabitant of Virginia, at the rate of one dollar per bbl. for what the vessel would carry; that part of the consideration was paid in cash, the remainder to be paid on arrival of the vessel in Lisbon; that the license was in blank, and the person procuring the license declares, on oath, his belief, that the seller had no knowledge of or concern with Mr. Allen by whom the license was issued. It is further testified that such licenses are a common article of sale in Baltimore and other places. On this evidence, I cannot conclude that any enemy interests are involved in the transaction, or that the terms on which the license was obtained, render it a vitious transaction, operating the forfeiture of the property intended to have been protected. The act of July 6th, prohibits, under heavy penalties, the receiving, accepting, or taking "a license from the government of Great Britain, or any officer thereof, for leave to carry any merchandise or send any vessel into any port or place within the dominions of Great Britain, or to trade with such port or place." The mere receipt and acceptance of a license or security from capture, in a lawful trade to neutral countries, is not prohibited. If not procured on terms involving enemies' interests, I cannot find the rule of law which renders the vessel and cargo liable to condemnation in our courts, for being possessed of such an instrument of protection. I am sensible, that the practice may be liable to abuse. It is capable of being converted into an instrument of monopoly, or the practice may have political bearings of serious import. This liability to abuse renders it, as I conceive, the duty of the court to require such proof of the manner of procuring the license, and of the terms and conditions, as shall enable it to form an opinion of the fair and legal operation of the procedure. I am not convinced from the evidence in this case, that the transaction relative to this licence, will subject the property claimed to condemnation. There may be considerations relative to the practice, of dubious aspect, which it belongs to the government to estimate, and to make such provisions as the public interest shall appear to require.

The other ground of objection is the direction to invest the proceeds of vessel and cargo in bills of exchange to be remitted to England. The directions for the sale of the vessel are not absolute, it was to depend on the contingency of receiving an advantageous offer. If sold, however, the proceeds are directed to be remitted to England; some of the shippers direct the investment to be made in government bills, meaning, it is admitted, the bills of the English government. Others direct a remittance generally. As to the captain's adventure, it does not appear in what manner it was his intention to dispose of the proceeds. Now if this property was intended merely to be landed at Lisbon, and to be afterwards transhipped to the enemy's country, it would clearly be a trading with the enemy, and such intention being manifested, it would be liable to condemnation, if captured in any stage of the voyage, (the Jonge Pieter, 4 Rob. 65.) But I am by no means satisfied that the orders given in this case, as to remittance of proceeds, would, if executed, be

of like legal operation. To produce a conclusion of such serious consequence to the owners of the property, I ought to be assured that there would be no mode of effecting the proposed remittances without implicating the claimants in the culpability of trade with the enemy. Now it is observable, that all the cases, and they are numerous, which have been cited from the books, respecting trade with the enemy, relate to tangible objects, capable of actual use for the purposes of life, i. e. to goods and merchandize bound to or from the enemy's country. Of this description are all the instances cited in the case of the *Hoop*, (1 Rob. 165, Am. ed.) in which the law on this subject is so fully displayed and illustrated. I do not mean to infer, that other transitions would not constitute a trade with an enemy, It certainly may be committed by going to or coming from an enemy's country with a vessel without a cargo. But no case has been produced, though the attention of the able and learned counsel for the captors was specially directed to the enquiry, in which the usual operations of exchange were considered as of this character. In fact, by an analysis of those operations, it will appear, that a substantial difference exists, in regard to aid to an enemy, between a trade in commodities, and what is called a remittance. If a citizen should convey commodities to an enemy's country, he affords him palpable aid, and the act is illegal. But if he should purchase of a fellow citizen, or of a neutral, a debt or demand against a subject of the enemy, he renders no benefit to the enemy, there is only a change of the creditor. If the remittance be to pay a debt, the enemy country is indeed a gainer to the amount of the debt. How a remittance for such a purpose in time of war should be considered, it is not necessary here to enquire. The remittances in this case were specially intended as a deposit, until there should be an opportunity to withdraw the amount.

It is decided that a subject of one belligerent may lawfully purchase of a neutral, goods or vessels, lying in a port of the opposing belligerent. The *trade*, in such case, is with the neutral, and the locality of the objects purchased does not vitiate the transaction (4 Rob. 233. Am. Ed. Chitty Law of Nations, 15.) From this authority I should infer, that the supercargo, on this voyage, might lawfully purchase of a subject of Portugal, his debt or demand on England, or in other words, his bill of exchange on England. But it is observed, that according to the direction of some of the shippers, the investment was to be made in government bills. Such an investment, it is urged, would be particularly noxious, having a tendency to sustain the credit and give additional value to the enemy's paper. So far as such direction may be evidence of an intent of a commercial dealing relative to this cargo or any portion of it with *subjects of the enemy* it is pertinent. But I do not consider it warrantable for me to make that inference, without more direct evidence. Government bills, as they are termed, it is affirmed, and I presume the fact is so, are in the market, bought and sold like other articles. A *bona-fide* purchase of an English bill, of a neutral, would not place the party, on legal ground, in a different situation from the purchase of the bill of an individual. It would be otherwise if the neutral were the mere agent to procure such government bills from the British holder.

It cannot be denied that investments in government bills would have a tendency to enhance the value of those bills in the market. This indirect effect, however, of the operation, would not, as appears to me, render it criminal. By the law of war, we are not to benefit an enemy; on the contrary, according to Bynkershock, *vetatur quoquo modo hostium utilitati consulere*. We are not to consult the benefit of the enemy, and of course that trade and those operations are, by the law of war, illegal, which from their character imply such a motive. But such is the connexion of human affairs, which national conflicts cannot altogether dissolve, that many operations may have an indirect effect to benefit the enemy, and yet the law of war has not considered them embraced within its maxims of prohibition. If, for instance, the proceeds of the numerous shipments to Spain and Portugal from this country should be invested in British goods, it would undoubtedly aid the enemy, by the encouragement given to its manufactures, and, in a degree, to its commerce. Still such purchases would be lawful to our citizens, if made *bona fide* of a neutral owner of such goods, and the goods thus purchased might be lawfully transported to any other neutral country. The mere law of war, indeed, would not prohibit the importation of goods, so purchased, even to our own country. It is our law of non-importation, made before the war, which has this operation.

If such investment be not illegal, I am not satisfied, that evidence of the debt, thus purchased of a neutral, might not be transmitted from the neutral country, without coming within the legal idea of trade with an enemy, as developed and illustrated by the cases which have been decided. It was, for a long time, lawful in England to insure enemies' property, and such was the common practice in that country in former wars with France. Valin, in language, as Marshall observes, bordering a little on derision, remarks on the impolicy of such a rule of law, which was peculiar to England, and suggests the benefit derived from it by France. But we find no intimation, that the procurement of such insurance in England, by a subject of France, was illegal, nor is it made subject to any animadversion; and yet such insurance could not have been effected without a correspondence. So when in England, in the modern trials upon policies of this description, the foreign holder of the policy has been held not entitled to recover, the objection has not been made, even in argument, that the creation of the policy, which would necessarily involve a degree of communication with the enemy, was an act of trading, but that the object and effect of such policy was to protect the trade of the enemy. If, therefore, it were now lawful in England to insure enemy's property, it would not, as appears to me, come within the idea of trade with the enemy for a citizen of this country to protect such insurance, though it could not be accomplished without a communication direct or indirect with that country. The same reason would apply to the mere transmission of the evidence of a debt or demand on an enemy's country, lawfully acquired.

I acknowledge the general obligation of bringing every correspondence with the enemy under the cognizance of government. A correspondence, intrinsically innocent, may be culpable from a non-conformity with regulations, calculated to assure the government, that nothing injurious is to be apprehended from any proposed communication. It would be reasonable, however, to expect a promulgation of such regulations, that every one might be secure from dangerous inadvertance. Besides, as the government has a public agent in Lisbon, and the charge in this case rests on intention, I ought not to conclude, that any correspondence, which the proposed remittance of bills to be purchased might require, would not be submitted to his inspection.

In speaking of the doctrine of insurance on enemies' property, as it formerly stood, I cannot omit

to notice its application to the first objection in this case, grounded on the license from an enemy. The reasons which have led the courts of law in Great Britain, ultimately, to decide against the validity of such insurances, after long practice to the contrary, might cause that country to be dissatisfied with these indulgences granted by its officers; and for the reasons which induced France not to discountenance or disapprove of the procurement of insurances in England, in time of war, between the two countries, may we conclude as to the innocence of obtaining these licenses or protections, if tainted with no improper contract or conditions.

Such are the views which I have taken on this subject. In contemplating the questions on which the cause depends, and in searching for just inferences from acknowledged principles, and from analagous determinations, I should not be surprised if my conclusions should be found erroneous, in which case they will be corrected by a superior tribunal, if the captors should be dissatisfied. I decree restitution to the claimants; but I do not think the captors should sustain the costs of bringing the case to adjudication, especially as further proof was requisite, and the obvious facts might induce the course pursued by the captors, consistently with sincere and honest conviction, that their procedure was justifiable. I therefore direct the payment of their necessary expences.

Affairs of Algiers.

Message from the President of the United States transmitting copies of a letter from the Consul-general of the Untied States to Algiers, stating the circumstances preceding and attending his departure from that Regency.

To the Senate and House of Representatives of the United States:

I transmit to congress copies of a letter from the consul general of the United States to Algiers, stat the circumstances preceeding and attending his departure from that regency. JAMES MADISON.

November 17, 1812.

Extract of a letter from Mr. Lear, consul general at Algiers to the secretary of state.

"ON BOARD THE AMERICAN SHIP ALLEGANY,
At sea, July 29*th*, 1812.

"On the 17th inst. I had the honor to receive your respected favors of the 6th of February and 29th of April, 1812, by captain Ebenezer Eveleth, of the ship Allegany, which arrived at Algiers on that day, with the four new Mediterranean passports, 200 tops and the several packages containing messages, reports, newspapers, &c. together with the letter of Richard Forrest, esq. covering the invoice and bill of lading of the ship Allegany sent from the United States with a cargo of naval and military stores, for the regency of Algiers, in fulfilment of treaty stipulations.

"I must delay replying to the particular points in your letter of the 29th of April, until I shall have given an account of the most unexpected and extraordinary event which I believe has ever taken place, even in the extraordinary events of Algiers, in order that I may have it ready to transmit, in case I should meet any vessel bound to the United States.

"On the arrival of the Allegany, the Dey and the officers of the regency expressed the most entire and complete satisfaction; and until the 20th inst. when they began to discharge the cargo, there was no appearance of any other sentiment. On that day a large quantity of spars and plank were taken on board a lighter, by the people of the marine, to be carried on shore, by order of the minister of marine, but hey were not landed. At noon the minister sent to request a note of the articles, and their quantity, which were on board the ship for the regency, that he might lay it before the Dey in the evening, agreeably to his orders. I accordingly sent the note taken from the invoice, but without affixing the prices. At 6, P. M. I received a message by my drogerman, from the minister of marine, informing me that when he laid my note of the articles before the Dey, he became very outrageous on finding there was only fifty small barrels of gunpowder and four cables on board; when the note sent to the United States in 1810, as furnished by the minister of marine, demanded 500 quintals of gunpowder, and 27 large cables, besides a very large quantity of cordage and other articles, as may be seen by said note forwarded in my letter of August, 1810, to the honorable the secretary of state; and told the minister that he would not receive the cargo, but would send the ship away from Algiers, and that I must depart in her, as he would not have a consul in his regency, who did not cause every thing to be brought exactly as he (the Dey) ordered.

"Early in the morning of the 21st, I waited on the minister of the marine to inquire into this procedure, when he confirmed all that had been told me by the drogerman, and added many other expressions of anger and disgust of the Dey.

"I reasoned with him on the subject, stating that it had never been usual to send the whole of such large orders at one time; that we had been very punctual in our payments, and that the cargo of this vessel would probably pay all that we owed; that cargoes had always come in this manner, assorted with a part of each article, and that I had never before found any difficulty; that powder and cables were articles of which we did not make enough for our own use in the United States, and that it was almost impracticable at this time, to bring them from other countries, as was well known to himself and all the world; that in the present distracted state of nations, it was possible that the United States might be forced into a war, and that it behoved our government, not to be destitute of so essential an article of defence as gunpowder; but that on a future occasion we might be able to send more; with many other remarks, which he allowed to be reasonable, but said that the Dey was determined; and that when he had once fixed a resolution he never departed from it—And added, that the Dey insisted upon having every thing brought which he ordered, *without regarding whether it amounted to more than the sum stipulated in the treaty or not;* and that I must depart on Thursday the 23d inst. on board the Allegany with all the Americans now in Algiers.

"I wished to see the Dey, and for that purpose desired an audience, which was denied me.

"I then requested that a few more days might be allowed for my remaining, that I might prepare myself, as it was impossible to make any arrangement of my affairs in so short a time, hoping in the mean time, to make some accommodation of this business. The answer was that the Dey would not allow an hour more.

"I wrote a circular to the christian consuls in Algiers, informing them of my ordered departure.

"The spars and plank which were taken out of the vessel yesterday, were returned on board this morning. In the morning of the 22d I sent my drogerman to the palace to say that I wished to make a settlement of the cargo of the brig Paul Hamilton, which had been delayed, by a request from the palace until

the Allegany should arrive, when a settlement could be made for both vessels at the same time.

"The request was granted, and the drogerman informed me that the dey wished me to bring our treaty with me, that we might see the time when it commenced, the terms, &c. in order to make a final settlement of our accounts. This I did, and while I was settling the accounts of the Paul Hamilton's cargo with the prime minister and secretaries, in the usual manner, the dey's drogerman came down, and said, the dey wished to see the treaty which I had brought. I gave it to him without hesitation, supposing that the dey might wish to see something in it, or that he might compare it with that which was in the palace. But when I demanded the treaty again, the dey refused to deliver it, saying, by his drogerman, that when a consul was sent away, he (the dey) should always keep his treaty, and that such had ever been the custom at Algiers.

"After settling the account of the cargo of the Paul Hamilton, which amounted to $ 12,109, and producing a tiscary or acknowledgment of a balance due to the United States, which had been given in February 1810, at the settlement of the cargoes of the ship Resource and brig Blanchy, for $ 26,065; the minister and secretaries said there was still $ 27,000 due to the present time. This I denied, as I had the receipts, of the regency for the payment of annuities for 14 1-2 years, exclusive of the amount of the cargo of the Paul Hamilton and the tiscary for $26,065, and as our treaty was concluded on the 5th of September 1795, it would be only 17 years in the whole, from which the 14 1-2 years were to be deducted, leaving 2 1-2 years ending the 5th of September next, amounting to $ 54,000, from which deducting the cargo of the Paul Hamilton, and the tiscary before mentioned, would leave but $ 15,826, and which I had no doubt the cargo of the ship Allegany would fully pay if it should be received.

"The minister then observed, that they counted the year by the Mahometan calender, consisting of 354 days, so that the difference in seventeen years, would make it one half year more than we counted. I told him that I had always reckoned the years in the Christian manner of 365 days; and that I presumed the same was done by all other consuls having accounts of a similar nature with the regency. He said it was never so done, or allowed by the regency, and immediately sent up a note to the dey, of the sum due by his account, viz. $ 27,000.

"After a short time the Dey sent down word by his drogerman, that the balance must be paid *immediately in cash*, and that the vessel with myself, &c. must depart to-morrow as he had ordered; I answered that it was impossible for me to comply with the Dey's order, even if I acknowledged the balance to be just, and had every disposition to pay it, as I had not the means of obtaining the money, especially as the cargo of the ship now in port was sent by my government for the express purpose of paying what might be due to the regency, and was the strongest possible evidence of our punctuality in fulfilling our engagements.

"The prime minister then went up to the Dey, with the drogerman, and soon returned, saying that the Dey persisted in his first order, that the money should be paid *immediately;* or that I should be sent to the marine in chains, the vessel and cargo confiscated, and all the citizens of the United States now in Algiers be detained in slavery, and war instantly declared against the U. States.

"I told the minister that the matter was now brought to a decision, and that I must go to the marine in chains, for it was not possible for me to obtain the money, and had no more to say on the subject, but would warn them of the evil which they were bringing on themselves by such unjust and outrageous conduct.

"The minister went to the Dey a second time, when I demanded to accompany him; but was refused, and soon returned with what he said was the fixed and unalterable resolution of the Dey, viz: that he would allow me till Saturday morning the 26th inst. to pay the money and depart with the vessel and all other Americans in Algiers; but if this was not done, he should confiscate the vessels, detain in slavery all the Americans in Algiers, and declare war against the U. States as he had before determined. The minister also added, that the Dey had been informed that the ship had brought a large quantity of coffee for sale, and some other articles not intended for him (meaning, I suppose, the gun barrels, &c. for the emperor of Morocco; but whence he could have got the information of the latter, I know not, for I had never mentioned a syllable of it to any one in Algiers. I have since learned that it was discovered by some means or other, when the plank and spars were taken out of the vessel on Monday) and that he was, if possible, more highly incensed at this, than on any other account; saying that he considered it an insult offered, by having merchandize embarked on board a vessel which was said to have been sent for the sole purpose of bringing the annuity.

"As I was determined that nothing should be wanting on my part to settle this unpleasant, and to me, unaccountable business, I proposed to the prime minister, that the articles now sent by the Allegany should be received and passed to our credit, in the usual manner of settling the accounts of cargoes, where they had the power of fixing their own prices, and that whatever balance might appear due, after such settlements, should be paid in cash if the Dey desired it; and that he might send a note of such articles as he expected for the next annuity, which I would forward to my government, with such observations on the propriety or necessity of sending the whole of them as the Dey should express. By this means, if the proposition should be accepted, time would be given to make preparations for future events, or at any rate, our commerce in this sea might have been secured by giving timely notice, and putting our vessels on their guard. But the Dey refused to listen to it, and repeated his first orders.

"On leaving the palace, I reflected upon the very critical and alarming situation of our affairs with the regency, which was not only brought on in the most unexpected manner, but without any reasonable or justifiable cause of complaint on the part of the Dey. It appeared to me that he was determined to take a measure which I had more than once the honor of intimating to the honorable the secretary of state, particularly in my letter of the 29th May last, viz: that after having concluded a truce with Portugal, and seeing Sicily under protection of the British, he must make war upon some other nation, with or without cause, in order to employ his cruizers; and that the extended and unprotected commerce of the United States, offered greater prospects of advantage from plunder and captures than he could expect from any other nation. The ultimate consequence of such conduct he would never calculate; neither would he be restrained by any sense of shame, or of the flagrant injustice of the act.

"In this state of embarrassment, and with these reflections, I was still determined to try all possible means to accommodate the present difficulties, before the ultimate period fixed by the Dey should arrive, but if that could not be effected, I should prepare, if possible, to pay the balance demanded in money, to prevent the loss of the ship and cargo, and detention of all Americans in Algiers, and the immediate capture of others.

"In order to raise the money I proposed to sell the cargo of the ship, as the Dey would not receive it, and pay him the proceeds in cash towards the balance, but he absolutely forbade the sale of any article on board her. Thus situated I had no other means left but to endeavor to obtain the money on my bills, and while I was using every means in my power, and through every channel that could be devised, to have matters accommodated before they came to the last extremity, I was not inattentive to the necessity I might be under of procuring the money in the last moment.

"As the discussions on our business had taken place either at the marine or in the palace, in the presence of all those usually attending there, it was no secret; and I had the satisfaction of hearing a general sentiment of disapprobation expressed on account of the Dey's conduct more strongly than I could have supposed it would have been done, when it was known in what awe and dread every one held the present dey, whose severity is almost without example.

"The only quarter from which money could be obtained at any rate, was the house of Bacri, and upon application to him to know if I could depend upon him in the last extremity, he raised many difficulties on account of the limited time, of the many very heavy payments which they had been obliged to make lately for the cargoes of the Greek prizes purchased by them, which had entirely absorbed their cash, &c. He also made some objection as to the security of such bills, on account of my being obliged to leave the regency: to that I answered, that I should not desire any one to become my security, as the same objection would naturally occur to them, and that if I should give bills, I must candidly say that if the vessel should not afterwards be permitted to depart with her cargo (as I had some apprehensions from the shameful conduct of the dey, might be the case, in violation of his word) the bills would not be paid, as the proceeds of the cargo, at the place to which she might go, must be depended upon towards discharging such bills. He said he would consider the subject and give me an answer on Friday as to the practicability of getting the money if it must be had, and the terms which would be expected for it.

"On Friday the 25th July, I made the last effort to effect an accommodation, and flattered myself with some little prospect of success, as the minister of the marine and some others of the principal officers of the regency, had expressed their regret at what had happened, and had promised to do every thing in their power to induce the Dey to alter his determination, if the Dey should introduce the subject before them on this day, when they all met him at the palace to go with him to the mosque, being the Mahometan sabbath; but they candidly acknowledged that if he did not bring the matter forward, no one would dare to introduce it, as they knew the obstinacy of his temper, and dreaded the effects of his resentment.

"I had communicated to the minister of the marine the proposition which I made in the palace on Wednesday, for the Dey to take this cargo on account, and to pay the balance, if any, in cash, &c. which he did not hesitate to declare he thought highly reasonable and such as should be satisfactory; but at the same time remarked on the inflexible obstinacy of the Dey, when he had once taken his resolution.

"At one o'clock my drogerman brought me a message from the Dey, which he said was his last, and irrevocably fixed, viz: that I should to-morrow morning pay into the treasury 27,000 Spanish dollars, which he claimed as the balance of annuities from the United States, and then depart from the regency with my family, and all other citizens of the United States in Algiers, in the ship which had brought the stores, in fulfilment of treaty stipulations, and which he had refused to receive; or that the ship and cargo, with all other Americans now in Algiers, should be detained, the former confiscated the latter kept in slavery, and that war should be instantly declared against the United States.

"This message determined the business and closed every door of hope for an accommodation. It was confirmed by the minister of marine, who said that the subject having been introduced by the Dey in their presence, he and the other ministers had urged every thing they dared, to induce the Dey to alter his determination, and to accept my proposition, but in vain. He was inflexible, and the alternative must be taken immediately.

"I had now my ultimate choice to make between the payment of the money, if it could be obtained, and the certain loss of the vessel and cargo, worth much more than the sum claimed by the Dey, and the immediate slavery of more than 20 American citizens (including myself and family) not in Algiers, with the highest probability of many American vessels and their crews being captured before it would be possible to give notice of what had happened, to enable them to consult their safety by remaining in port, as the port of Algiers had been shut since the sailing of their cruizers on the 13th instant, and of course no opportunity had offered to communicate an account of these transactions to any of our consuls in the Mediterranean.

"I therefore made my election to pay the money, if it could be obtained, especially as the departure of the Allegany would afford an opportunity of giving the most speedy information to every part of this sea, and guard American vessels against falling into the hands of the Algerine cruizers now out; as I can now have but little doubt of the Dey's having given orders to his cruizers, on their sailing, to detain and send in such American vessels as they may find. For it must clearly be seen that he has no reasonable or justifiable ground for his present demand and conduct, and I am in a great measure confirmed in my apprehensions entertained and expressed in my last letters to the honorable he secretary of state, that after the truce with Portugal and the protection of the Sicilians by the English he would make war upon some nation to employ his cruizers; and that none offered a better prospect than the vessels of the United States.

"The present posture of affairs between the U. States and Great Britain, just on the point of open hostilities, would afford another guard and security against our sending a force into this sea to protect our commerce now here, or revenge the insult and injury inflicted upon us; especially too, as under present circumstances, he must suppose that it would be gratifying to the British, with whom, there is every reason to believe, he has a treaty offensive and defensive.

"I sent for Mr. Bacri and informed him of my determination to pay the money and depart from Algiers, and should depend upon him for it. But that if, after paying the money, the vessel and Ame-

ricans should not be allowed to depart from Algiers (which I had reason to apprehend from the Dey's outrageous and extraordinary conduct might happen, notwithstanding his declaration) the bills which I might draw would not be paid at Gibraltar; for that I must depend upon the sale of the cargo of this vessel to meet the bills as far as it would go; and that I gave him this information, that he might know the ground on which he stood. He replied that he should have full faith in the bills on that condition, and then observed that the sacrifice which must be made to obtain the money at the moment, could not be less than 25 per cent. After some further discussion of the subject, and knowing the impossibility of obtaining the money from any other quarter, (about which I had made enquiry for two days past) I agreed to give him the advance, which brought the amount to 33,750 dollars; and in the evening gave him a bill at 30 days sight, on John Gavino, Esq. consul of the U. States at Gibraltar, in favor of Moise Levy Valensen of Gibraltar, value received of Jacob Cain Bacri of Algiers, on account of the United States of America, to pay a balance claimed by the Dey of Algiers, for annuities from the U. States, the Dey having refused to receive the naval and military stores sent from the United States agreeably to treaty stipulation, to pay such balance as might be due.——I also stipulated with Mr. Bacri, that he should cause the money to be paid into the treasury to-morrow morning, so as not to give ground for detaining the vessel, or raising any new difficulties on that account, which he promised to do.

"I gave to John Norderling, Esq. his Swedish majesty's agent general at Algiers, a letter, accepting his friendly offer to take care of my property left in Algiers, and also requesting his kindness to be extended to any American citizens who might arrive in Algiers after my departure, or be unhappily brought in by the cruizers of the regency.

"The following is an extract from my letter to Mr. Norderling:

" As my department from Algiers is compulsive, I leave no person directly charged with the affairs of America in this regency. But should any of our citizens arrive here, or be unhappily brought in, your kindness to them shall be gratefully acknowledged, and the necessary and reasonable expences for the support of such as are destitute will be paid by the government of the United States.'

"Through the day of Friday and in the evening, my acquaintance of all descriptions called upon me and the unfeigned sorrow expressed by all of them of every denomination, sufficiently evinced the regard they had for us. And the undisguised disapprobation and disgust expressed by all classes at the Dey's conduct, must I think, end in some disastrous event for him.

"Very early on Saturday morning, the drogerman came to my house and informed me that Jacob Bacri had paid the money to the regency, and soon after the minister of the marine sent for me to go to the marine, where he informed me it was the Dey's orders that myself and all the other Americans should embark immediately and depart from Algiers. He expressed his regret at what had happened, and declared that it was against his strong advice and wishes, hoped that every thing might yet be accommodated, &c. I intimated to him my suspicions and apprehensions that orders had been given to capture American vessels. He assured me that if such orders had been given by the Dey to the commander of the squadron, he was ignorant of it, and that he thought it was not the case. How far his reply is to be relied on I am not able to say.

"I requested the minister to give me a certificate of the ship Allegany having been sent away by order of the Dey, that in case she should be met by any of the cruizers now out, they might not molest or stop her. This he declined, saying that their cruizers were all at the east of Algiers, and that if any should molest or detain the vessel, the Dey would punish the commander most severely, &c. This did not satisfy me, but I could not prevail upon him to give me the passport.

"When I parted from the minister I was about to return to my own house to accompany my wife on board the vessel; but he said I must not return there again, but must go on board, as the vessel was getting under way, and that the drogerman would go up to conduct my family down and on board, which was accordingly done, and the vessel got out of port about 7 o'clock A. M.

The persons embarked on board the Allegany, besides the captain and crew (consisting of 17 persons) are myself, my wife, and my son, who arrived from the United States, via Gibraltar, on the 15th inst. Mr. J. S. Smith, of Philadelphia, who has been in Algiers these two years past with some coffee for sale, which he has thought proper to abandon, and says he shall seek for indemnification from the U. States. I advised him to sell it, as it was not possible for the ship to take it on board, as she was entirely filled with the cargo which she brought out, but he did not think proper to comply with my advice. Mr. John Vallet, a naturalized citizen of the U. States, whom I have mentioned in my letter of the 26th of May, a copy of which I now have the honor to inclose as well as that of the 30th of April, and a Mr. Pinto, also a naturalized citizen of the United States certificate from South Carolina.

"On the evening of our leaving Algiers, we spoke a British letter of marque bound to Malta, and as the weather did not admit of sending a letter on board, I desired the captain to inform the American consul at that place I had been ordered from Algiers, and as there was no doubt but the Algerine cruizers would capture any American vessels they might meet, desired that he would give notice to all American vessels in Malta, and extend the information in every direction possible.

"Yesterday we were boarded by his Britannic majesty's brig Goshawk, which was going with a convoy to Allicant and Majorca, to the commander of which brig I gave letters to our consuls in those places, a copy of which I have the honor to inclose, and requested the said commander to give the notice of my being ordered from Algiers, &c. to any American vessels he might meet at sea, and make the same known wherever he might go. I shall forward my circular to any places to which we may meet vessels going, until I reach Gibraltar, whence I shall disperse my circulars by every opportunity which may offer, to all ports of this sea, as well as to the ports in the Atlantic.

"I took passports for the ship from the French and Spanish consuls before I left Algiers. The English consul did not furnish any, although I applied to him for that purpose. I did not ask them from the Swede or the Dane, as they have no vessels in this sea.

"I have now sir, given you a faithful and a detailed account of this extraordinary and unexpected transaction. While I feel conscious that no exertion was wanting on my part, and no means in my power left unattempted to make an accommodation, when the difficulties were first brought forward, and during

the whole course of this unexampled proceeding; and that ultimately my decision was made on the ground of necessity, to prevent a greater evil to my country; I trust that the President and our government will approve of my conduct.

"The law past on the first of May, 1810, restricting the consuls in Barbary to the sum of three thousand dollars annually, to be employed in presents, &c. without the special permission of the president first obtained, prevented my making those attempts in a pecuniary way, for opening a door to accomodation, which I should otherwise have done: but upon a review of the whole of the circumstances attending this business, I have now my doubts whether any sum which the United States might have thought proper to bestow, would have answered the purpose. I thought it my duty, however, to make some attempts in that way, upon the scale to which I was limitted: but it had not the desired effect.

"The character of the present Dey, Hadge Alli, Bashaw, is that of a severe, obstinate, and cruel man. He is said to be inflexible in his resolutions, and will bear no contradiction or reasoning. He has kept his soldiers in more subjection during his reign than they have been accustomed to for many reigns before, and no one dares approach him, but those whose duty calls them into his presence, or who are sent for by him. He has not granted an audience to any consul for nearly a year past, except to a new English consul who arrived in April last: and would not see the old consul before his departure. The tales told of his personal conduct in the palace, bespeak him a man deprived, at times, of his reason. His conduct with respect to our affairs is almost an evidence of his insanity; and I am very much mistaken if it does not hasten his exit from this world, but while he reigns he is most absolute, and I have very little hope of his refraining from making war upon the United States. There is every reason to apprehend, from what has taken place, as before detailed, that the cruizers had orders to capture American vessels, before their departure from Algiers on the 14th instant. In which case some vessels will undoubtedly fall into their hands before the notice I have given, or may give, can reach the parts where they may be, and prevent their sailing. It therefore behoves the government to prepare for such an event and determine in what manner they will meet it. Should our differences with Great Britain be so accommodated as to admit of sending a naval force into this sea, I am sure there is only one course which the government will pursue, and what has now taken place may be a happy and fortunate event for the United States, by relieving them from a disgraceful tribute, and an imperious and piratical depredation on their commerce. *If our small naval force can operate freely in this sea, Algiers will be humbled to the dust.*

"Spain would undoubtedly be ready and willing, as far as she might be able, to co-operate with any nation against Algiers: for the enormous demands made upon the former by the latter not having been complied with, the Algerines have lately taken vessels and property from the Spaiards to the amount of more than one hundred thousand dollars, and have upwards of fifty of the subjects of that nation in slavery. They still permit, or rather compel the consul to remain at Algiers, and have not declared war against Spain, whose ally seems to view these depredations with indifference. The French may be said to be nearly in a state of open hostility with them; and the Algerines know, that in the event of a peace between Great Britain and France, they must submit to the will of the latter power.—Sweden and Denmark are in arrears for four or five annuities, and nothing but a knowledge that these powers have no commerce in this sea, on which they can depredate, prevents their making war upon them. In the mean time, the consuls of those nations pay annually a considerable sum in money for their forbearance, while the account of annuities is accumulating. All the Sicilians have been released, through the interference of the English, from Tunis and Tripoli; and at my departure from Algiers, lord William Bentick was daily at that place, to treat for the Sicilians in slavery there.—The Portuguese have redeemed all their subjects in slavery at Algiers, and extended their truce with the regency for one year.

"I shall proceed in the Allegany to Gibraltar, where I shall dispose of her cargo which has been refused by the Dey of Algiers, to meet, as far as it will go, the bill before mentioned, and for the remainder shall draw upon the honorable the secretary of state. At the same time, I shall send to Mr. Simpson, our consul at Tangier, the gun barrels intended for the emperor of Morocco, as well as a copy of your letter respecting the change of passports, with a proportion of the tops and one of the new passports. The same will be done at Tunis and Tripoli, from which places I have heard nothing since I had last the honor of writing to you. I shall also from thence dispense information of what happened at Algiers, to all ports of this sea, as before mentioned, and shall add to this letter (if an opportunity should not offer of forwarding it before my arrival) such occurrences or information as I may meet there.

"On the 13th instant, the whole naval force of Algiers sailed on a cruize to the eastward, supposed to be destined against Tunis or to make a descent on some part of Sardinia, for the purpose of getting slaves. It consisted of the following vessels:

1 Frigate of	50	guns and		500 men.
1 ditto	46	do.		460
2 ditto	44	do.	450 men each,	900
1 ditto (new)	38	do.		400
2 Corvettes,	24	do. each		500
1 ditto	22	do.		230
2 Brigs	22	do. each,		450
1 Xebeck,	20			200
1 Schooner,	4			40
1 Row Galley,				50

6 Gun boats, sloop rigged, carrying one twenty-four pounder, and one eleven inch mortar each.

"The heaviest cannon in their frigates are 18 pounders, but these do not extend through the whole battery, having some 12 pounders among them; the other guns are nine and six pounders.—The corvettes and brigs carry twelve, nine, and six pounders: none of them have carronades.

"The large frigate is about six years old, and the best of the squadron. She is about the size of our 36 gun frigates. Three of the others are very old ships, hardly sea-worthy, about the size of our 32 gun frigates. That of 38 guns is a new ship, launched at Algiers about two months since, and is about 500 tons burthen. The two corvettes of 24 guns are Greek prizes, converted into cruizers, about 400 tons burthen each. The corvette of 22 guns is an old vessel of about 350 tons. The two brigs are about 250, and the xebec 200 tons. Four of the frigates, one corvette, and the two brigs are coppered.

"The Algerines have not another vessel of war besides those mentioned, excepting three gun boats, of the size of those sent out, which are unfit for service. All their small open gun boats for the de-

fence of the bay are either broken up or entirely unfit for service.

The squadron before mentioned is commanded by their famous captain Rais Hammida, who bears the title of admiral. He is a bold, active, enterprizing commander, but entirely unacquainted with any regular mode of fighting; he has not the advantage of being a Turk, or even an Algerine by birth, and his advancement which has been owing entirely to his activity, enterprize and singular good fortune has excited the jealousy and hatred of the other commanders, who are far inferior to him in point of talents; but he is much beloved by the sailors (if such they may be called who go out in their cruizers.) He is an Arab of the mountains, of one of the tribes of Carbiles; he came to Algiers when a boy, to seek a livelihood, as is the custom of those people, and going out in one of the cruizers, became attached to that mode of life, and has risen to his present rank. He is about forty years old.

"The crews of their cruizers consist principally of the lowest and most miserable order of people in Algiers, known by the name of Biscaries and Carbiles, from the tribes to which they belong. They are either taken from the streets at the moment when a cruizer is about to sail, or if a previous cruize has been fortunate they go on board voluntarily in great numbers, hoping to obtain plunder or prize money. As the last cruize of their corsairs was esteemed fortunate by the capture of a number of Greek vessels loaded with wheat, and each man shared about $ 50, the vessels have been crowded with volunteers on the present cruize. Besides these there are a few who may be called good seamen for Algerines; and about ten or twelve Turkish soldiers to every hundred men on board the vessel.

"They know nothing of regular combat at sea, and if kept from boarding distances, they could not withstand one half their own force on board another vessel, which should be tolerably well managed in the usual mode of sea-fighting. It is on boarding that they depend entirely to overcome an equal or any force that will contend with them. These attempts they sometimes make with a desperation bordering on madness; but if foiled in that they have no other resource.

"After this account of the Algerine cruizers and their crews, which is faithful and correct, I am sure that our brave officers and seamen would rejoice to meet them with only half their force, if circumstances should make a recurrence to arms necessary on our part, and our ships come freely into this sea.

"Enclosed is the account of the settlement of the cargo of the brig Paul Hamilton, made at the palace on the 22nd instant, and although the prices allowed for the cordage and cables are at a great loss to the United States, yet those given for the plank and turpentine, &c. make the settlement upon the whole as good as usual, and had the cargo of the ship Allegany been received at the same rate, it would have paid the balance up to September next, which completes the 17th year of our treaty, according to our computation of time. The account of annuities between the United States and Algiers, as per treaty, stands simply thus:

Dr. The U. S. to the Dey and Regency of Algiers,	
To 17 annuities, ending September 5th, 1812, at $.21,600 per year,	$ 367,200
Supra *Cr.*	
By 14 1-2 anuities paid as per receipts, at $ 21,600 per year,	313,2000
By a tiscary given at the last settlement for a balance in favor of the U. States, 14,480 old sequins,	26,064
By the amount of stores brought by the brig Paul Hamilton, as per settlement July 22nd, 1812,	12,099
	$ 351,363
Balance due to the regency of Algiers on the 5th September, 1812,	12,837
	$ 367,200

"The regency of Algiers counting the time by the Mahomedan computation of 354 days to the year, make 17 1-2 years, which is an addition of half a year, or $ 10,800 to the above balance, which makes their balance $ 26,637 to the 5th of September 1812, for which the Dey demands $27,000, in round numbers."

British view of the war.

FROM THE EDINBURGH REVIEW, FOR NOVEMBER, 1812.

Review of "*American state papers: containing the correspondence between Messrs. Smith, Pinkney, Marquis Wellesley, &c.*"

So little is to be gained and so much to be lost by an American war, that though our preposterous policy has at last brought the disputes between the two nations to this issue, no class of politicians seems wholly satisfied with the result. Strictly speaking, indeed, we have no real quarrel with America; our contest with that power arising incidentally out of our main quarrel in Europe. America invades us in no substantial interest—she crosses us not in any favorite walk of policy—she aims no blows at our prosperity or independence; and, being excluded from all the common scenes of European ambition, her case afforded, to all appearance, no great scope to the common jealousies of politicians. After a twenty years' war with France, however, we are now fairly involved in an additional war with this apparently harmless power—having for this purpose sacrificed all those ancient connexions of trade which gave the two countries so great an interest in the maintenance of peace. The exports of Great Britain to America amounted annually to ten millions. All this vast trade, and the animating scenes of industry and business which it produced, the war lays waste at one blow. But it is not merely as a case of profit and loss, though in this view it is sufficiently important, that the subject ought to be contemplated. The trade between Britain and America, independent of its profits to individuals, accomplished objects which must ever be dear to the friends of human improvement. Our readers are no doubt aware that America, like all other rising communities, having her whole spare capital embarked in agriculture, must necessarily depend on other countries for a supply of manufactures, in exchange for which they receive an equivalent in rude produce. Such was the nature of the trade carried on with this country; by means of which America, assisted by the wealth and industry of Britain, was left free to pursue the great work of domestic improvement, while Britain found, in the demands of America, ample employment for her overflowing capital and her numerous artizans. The trade thus diffused industry, plenty, and smilling looks through this once prosperous and happy land; while it gave energy to the wide-spreading agriculture of the new world, and extended cultivation over its lonely wastes.

From a picture so delightful to contemplate, we

turn with no pleasing emotions to the policy by which it has been defaced. The correspondence before us relates to the orders in council, and to other unfriendly acts committed against the American trade; and though we have no intention of reviving these hateful controversies—though we would willingly forget this everlasting stain on the character and policy of our country—yet there is one view of the case suggested by these papers which we cannot avoid laying before our readers. It is instructive to look back to what has happened, that we may draw lessons, for the future, from the dear-bought experience of the past.

It was long the anxious business of the American minister, as appears from the documents before us, to procure by persuasion an abandonment of the measures hostile to the American trade. He urged his case on views of justice and of general policy—he calmly combated the pretexts by which he was met—he boldly and pointedly asserted, that the claims of this country must, sooner or later, be abandoned; and he added, what ought never to be forgotten, that they were unjust—and that time, therefore, could do nothing for them. His representations were met by declarations of "what his majesty owed to the honor, dignity and essential rights of his crown," and by all the other sounding common places usual on such occasions. These sentiments were afterwards explained at greater length, and promulgated to the world in the deliberate record of a state paper. But in spite of the honor of majesty thus pledged to these obnoxious measures, *they were repealed.* A laborious investigation into their merits ended in their unqualified reprobation and abandonment—their authors were unable to look in the face the scenes of beggary, disorder and wretchedness, which their policy had brought on the country; they were borne down by the cries of suffering millions—and they yielded at length to necessity what they had formerly refused to justice. This was clearly, therefore, an act of unwilling submission. It bore not the stamp of conciliation; and the only inference, to be drawn from it was, that the plotters of mischief, being fairly caught in their own snare, were glad to escape, on any terms, from the effects of their ill-considered measures. How forcibly does this transaction teach the necessity of a prudent and moderate conduct! How strikingly does it mark the contrast between insolence, which delights in abusing power, and true dignity, which, being founded on a reverence for justice, can never be humbled!

The repeal of the orders in council has considerably narrowed the controversy between the two countries; and were it not for the rankling of past injuries, the few remaining points of difference might, we should imagine, be very speedily adjusted. The Americans still complain of the undue extension we have given to the privileges of blockade—and of the impressment of their seamen under the character of British deserters.

On both those points the rulers of the two countries are agreed, as far as the principle is concerned. America insists that no place shall be held blockaded, unless it is so surrounded as to make it dangerous to enter, and we do not object to this definition of blockade. On the other question still at issue, it may be shortly observed, that, as we have gone to war with America in defence of the supposed privileges of naval war, we would do well to ascertain to what extent those privileges can be safely pushed. Will the warmest advocates of maritime supremacy now assert that we have not suffered equally with our enemies in the contest of mischief which has been stirred up between us in Europe? Admit that we have ruined our enemies trade—that our hostility has been deeply felt in the misery which it has produced in France—have we ourselves not participated largely in the general distress? It is of little moment what privileges we may be entitled to, according to the theory of the law of nations; since it is plain, that if we push our abstract notions of maritime right to their extreme consequences, no nation will agree in the result—universal war and misery will be the consequence—and every state will suffer exactly in proportion to its interest in peace and good order. In such a struggle, it is just as likely that we should be the first to cry for quarter as our enemies; and in point of fact the first concession has come from this country. We were unable any longer to bear the interruption of trade occasioned by the orders in council—and, therefore, these measures were repealed.

It is clear, therefore that some limits must either be fixed to the persecution of our enemy's trade, or we must come in for a large share of the miseries resulting from our hostility. However high we may hold our abstract rights, they must always, when reduced to practice, admit of some temperament, and amicable compromise with the rights of others. During the whole of the last war, accordingly, such a compromise existed; and the dreadful crisis which has befallen the present times was thus happily avoided. The policy then pursued, though not perhaps, strictly consonant to theory, was safe in practice. Its effect was to permit, under certain restrictions, neutral states to carry on the colonial and coasting trade of the enemy. But it laid the intercourse under some disadvantages.—It threw considerable inconvenience in the way of the French merchant, and increased to him the price of all his imported produce. And to this extent, and no farther, is it possible to carry the damage of a naval war. In this privilege of laying the enemy's trade under some little increase of charge, consists the full value of what has been so vehemently admired in this country under the specious appellation of maritime rights. Naval warfare cannot be pursued to the utter extinction of trade. It cannot prevent mankind from a mutual exchange of their surplus produce—as this would be equivalent to an interdict on the productive powers of nature; and whenever it is pushed to such an excess, it must reduce all who are engaged in it to one common level of distress and ruin. We would humbly recommend, therefore, a return to those established maxims of maritime law, under which the industry of unoffending states reposed in security, while this country presented a picture of comparative comfort and peace. The laborer was then peaceable and happy—he was enabled to provide, by his industry, for himself and his helpless offspring—he was not driven by want to acts of riot and desperation. These are the evils which it is so desirable to prevent; and it cannot be denied, that they lie deep in the policy of the country.

The impressment of American seamen into the British service, which has naturally arisen from the resemblance of the two nations in language and manners, has given rise, we fear, to much deep rooted animosity. On this subject, however, both parties profess a complete union of principle; but the difficulty consists in finding some practicable arrangement for preserving to each its respective rights. Hitherto British ships of war have been in the practice of searching American merchantmen, and taking out, in a summary manner, such of their crew as they judged to be British. Certificates of American citizenship, or other evidences might be offered—on which it rested with the British officer to decide; so that every American seaman might

be said to hold his liberty, and ultimately, his life, at the discretion of a foreign commander. In many cases, accordingly, native born Americans were dragged on board British ships of war—they were dispersed in the remotest quarters of the globe—and not only exposed to the perils of service, but shut out, by their situation, from all hope of ever being reclaimed. The right which we undoubtedly possess of reclaiming runaway seamen, was exercised, in short, without either moderation or justice; and though the government was no party in the first instance to these proceedings, yet there is no doubt that these outrages might, with some little activity, have been prevented. The natural consequence of injury is resentment; and we are not, therefore, to wonder if the Americans came a little heated to the discussion of these long contested claims. But we have great faith in the efficacy of conciliation for the termination of strife, whether foreign or domestic. It is seldom, we imagine, that those who seek peace, as Mr. Burke expresses it, in the spirit of peace, ever finally miss their object.—Without yielding the claim of right, therefore, might we not, in consideration of what America has suffered by its practical assertion, allow her to propose some other expedient equally effectual and less offensive? If it be ultimately found that no such expedient can be suggested, then we might claim the right of search with a better grace, and were we to guard against its abuse with due caution, it might possibly be re-established without any offence to neutral powers. The mere discretion of naval officers ought, certainly to be relied on as little as possible; for, sorely as they are frequently beset for want of men, they must clearly have a strong bias against the rights of American citizens. Some strict provision ought, therefore to be made for landing, within a given time, those who are detained under so suspicious a judgment, that their case may be calmly reviewed; and while ample and speedy redress ought to be made to the injured parties, every act of outrage or palpable injustice, ought to be visited with exemplary damages. It is not only necessary, we should recollect, to possess rights; but those rights must be exercised without offence—or they *must* be resisted. It is the business of this country, therefore, to seek an amicable discussion of contested privileges, to listen to objections—and, finally, to modify and compromise, that the contended for may be made practicable; otherwise it is good for nothing.

After all, however, the value of the object in dispute is the thing as to which we candidly confess that we have the greatest doubts. The question is, what is the actual amount of the damage sustained—what is the number of seamen who take refuge from the naval conscription of Britain in the service of America? Would the number of men likely to be annually lost to the country, under such an arrangement as would satisfy the Americans, and under the most rigorous exercise of our rights, differ in such a degree as to have any perceptible influence on our naval operations? These are questions of great importance; as it is highly necessary to know how far the object at issue bears any proportion to the risks and losses of the contest; for if it be of little value, then we are quarrelling for an abstract principle, a mere theory in the law of nations, which is no way binding on our policy. We had occasion, in a former number, to remark, while discussing the same subject, that as a nation which raises a surplus of subsistence for exportation always ensures a supply for its own consumption, so there is every reason to think, that by training a surplus number of seamen for the use of others, we shall have always more abundance for our own service. The maritime trade of the country is the great fund for recruiting our navy, and there is surely no great reason for jealousy or apprehension, because the supply overflows into the service of other countries. Every view of the case, then, seems strongly to prescribe the policy of caution and forbearance in the prosecution of this claim; and in any negociation to which it may give rise, it never ought to be forgotten that the trade which this quarrel has already interrupted gives bread to thousands of industrious mechanics in this country; while, in America, it clothes the desert with cultivation, and extends the boundaries of rational nature.

We touch but lightly at present on these topics, both because we still entertain a hope that matters may be accommodated in such a way as to render it unnecessary to go more deeply into the subject—and because we must return to them in another tone and another temper, if it shall appear that the means of accommodation have been ignorantly neglected or madly refused. It is impossible to leave the subject, however, without again calling the attention of our readers to the unexampled and unnatural folly of this war between men of the same kindred and tongue—the only two free nations that are now left in the world—and the only two that have a constant, an equal, and an evident interest to keep well with each other. On our part especially, it is obvious that we have absolutely nothing whatever to gain, and almost every thing to lose, in this deplorable conflict. Since the revocation of the orders in council, there is really no *principle* at issue between the two counties. The limits of the right of blockade are fixed by the law of nations upon grounds that admit of no serious dispute; and stand declared by our own living judges in terms with which America professes to be completely satisfied. With regard to the impressment of seamen, again, America does not deny that we have a right to reclaim such men as we can prove to be British subjects, and owing allegiance to our crown; and we do not pretend to have any right to impress any who are really and truly citizens of America. The whole quarrel is about the proper means of asserting these rights—of the substantial value of which, we have already said a little—as to the practical exercise of which, we take it to be utterly impossible that two nations, like England and America, can ever cordially agree. The truth is, that there are very many such cases; and that neutrals and belligerents do but very seldom agree as to the regulations by which the rights of war and of neutrality are to be respectively secured. The matter is always practically adjusted by a sort of compromise, under which both parties consent to pass from a part of what they maintain to be their legal right; and things go on with a little grumbling, till the restoration of peace takes away all occasion of discussion.

We are now at war, however, for the assertion of our own way of exercising those rights; and have begun accordingly by destroying the very thing for the beneficial possession of which we profess to be contending. What we claim, is a right to treat *neutrals* in a certain way—to derive what they consider as an excessive advantage from their neutrality—and to impose what they call an unreasonable restraint on their intercourse with the enemy—and, in pursuit of this object, we put an end to the very name of neutrality. We convert all neutrals into open enemies; and drive them into the cordial alliance of that hostile power with whom we would not allow them a very limited communication! Such is the object and pretext of the war—and such its immediate and necessary effect.

Other object or pretext it can have none. America has no possessions that we can take from her—none, we believe, that we have even a desire to obtain. We have no hope, therefore, of acquiring any thing whatsoever by persisting in this contest; and we are at war for the naked and barren power of asserting our belligerent rights in our own way; or, to speak more properly, we have turned the last neutral into an enemy, rather than submit to an amicable discussion upon the least oppressive way of exercising a right, the existence of which is not so much as disputed. Such is the utmost amount of our possible gains—our losses, certain and probable, do not admit, we fear, of so short an enumeration. We shall speak only of the former.

In the *first* place, then, we lose our whole trade with America—almost the only foreign trade that was left to us—and at all times worth infinitely more than all the rest put together. After what we said in our last number on this subject—and while the universal and agonizing distress into which the country has relapsed, speaks in accents too piercing to be borne, in every quarter of the land, we forbear to add one word upon a theme so copious and so conclusive. In the *second* place, we lose all the men and the money that must be sacrificed to the carrying on of this war—at a moment when our finances are confessedly almost inadequate to the prosecution of the other wars in which we are engaged—and when the success of those great and glorious exertions appears to be almost desperate, from the mere circumstance of the impossibility of finding men to supply the place of those who perish. In the *third* place, we take it to be one of the *certain* consequences of the continuance of this war, that we shall either lose Canada for ever, to the great disgrace and mortification of the country—or be obliged to abandon the Peninsula, and carry on a still more sanguinary and expensive war for its preservation. In the *fourth* place, our West India colonies will be starved; and their trade, which so many other causes have concurred to depress, almost entirely ruined by the swarms of privateers which will issue from every point of the adjoining continent; while our own supplies of grain, in the event of a deficiency at home, and of naval stores, in the event of disasters in the north, will be almost entirely cut off. Finally, we shall excite not only a spirit of rooted hostility among a people obviously destined to outnumber any European nation—but we shall train them before their day to the cultivation of their home manufactures, and lose for ever that trade which it is our most obvious interest to retain.

But it may be said we did not make the war. The defiance was given, and the blow struck by America; and now we are under the absolute necessity of fighting, or giving up the honor and the substantial interests of the nation. We cannot bring ourselves to admit this: but if the fact were made out, we should concur most heartily in the conclusion. A nation like England should submit to any thing rather than to the slightest impeachment of her honor. It is not only her pride and her enjoyment—but her actual strength and security, and the vital spring of all her prosperity. If our honor is really committed in this contest—and if America will listen to no terms of pacification which it is fitting for us to concede—then the contest must go on; and every thing else must be sacrificed to maintain it with spirit and effect. But if matters are come at last to this deplorable extremity—if it be true that we are *now* under the necessity of yielding up the national honor, or of persisting in such a war as we have described, it cannot, at least, be denied, that it is a crisis which has been very recently produced; and that it has been produced by men, and by measures that are sufficiently notorious. There is not a man in the kingdom who can doubt, that if the orders in council had been rescinded six months sooner, the war might have been entirely avoided, and all other points of difference between the countries adjusted upon an amicable footing. Nor is there an individual who has attended at all to the progress of the dispute, who does not see that it was embittered from the first, and wantonly urged to its present fatal issue, by the insolent, petulent, and preposterous tone of those very individuals who insisted upon that miserable experiment—and plunged their own country in wretchedness, only to bring down upon it the reluctant hostility of its best customers and allies. If those mischievous and despicable councils were once cordially renounced—if this paltry and irritating tone were forever interdicted at our public offices—if the negociation were committed to a man acceptable to the Americans, and free from the suspicion of insincerity which the character of our late diplomatic communications with her have so naturally excited; we are fully persuaded that a speedy and an honorable termination might yet be put to this unnatural contest, which, if it be purely ruinous and disreputable to us, promises also to be so much more detrimental than beneficial to our opponent.

At present, however, we confess that we look in vain for the indications of such a salutary change of policy—and are even disposed to fear that the same spirit of animosity and unconciliating contempt which has evidently pervaded the whole proceedings of the government, still prevails to a considerable extent among the body of our people. The pressure of present distress is too heavy indeed to allow the war itself to be popular—but we suspect that the temper and disposition which have provoked it are still pretty general—and such are the arts by which courtly prejudices have been fomented, and ancient grudges kept alive, that no small part of the nation look with feelings of peculiar hostility towards the people which they bear the nearest resemblance; and willingly abet their rulers in treating the Americans with less respect and less cordiality than any other foreign nation. If this proceeds from considering them as weaker than any other nation, we cannot say it is very magnanimous—if from regarding them as our own rebellious offspring, it is neither very generous or very wise.—They asserted their independence upon principles which they derived from us, and upon which we still make it our boast and glory to act. Their revolt was the real evidence of their consanguinity—their rebellion against us the surest proof of their genuine descent: and while all rational men are now satisfied that their independence is much more advantageous to us than any form of their submission could have been, surely there is nothing in their having established a free government, that ought to give rise to any feelings of repugnance or hostility in us. They are descended from our loins—they speak our language—they have adopted our laws—they retain our usages and manners—they read our books—they have copied our freedom—they rival our courage; And yet they are less popular and less esteemed among us than the base and bigoted Portuguese, or the ferocious and ignorant Russians.

From what does this arise—or on what pretext is it justified? We can hear but one answer to this: and it is really so weak and so absurd an anwer, that if it had not met us in so many quarters, we should not have believed that it could ever have been seriously given. Their manners, it seems, are not agreeable—society with them is not on a good foot-

ing—and upon the whole, they are far from being so polite and well bred as might be desired. Now we should really be inclined to doubt whether it would be a justifiable cause for seriously quarrelling, even with a next door neighbor, that he had a bad taste in anecdotes, and did not thoroughly understand the arrangement of evening parties: But to insist upon going to war—with a whole nation—at the other side of the Atlantic—because it has been reported that their rich people are not very elegant, that their dinners are vulgar, and their routes dull—does appear to us to be somewhat extravagant and unreasonable. It is impossible, however, not to remark, that those who hate the Americans so much for their inattention to the grace in their manners and conversation, cannot be supposed to feel any great love or respect for the greater part of their own countrymen; for, though we are not absolutely nor altogether a nation of shopkeepers, we are very much afraid that more than nine-tenths of the middling and better sort of people among ourselves belong to this reprobated class of traders and dealers, and have very much the same manners with their brethren in America. The society of New-York and Philadelphia, in short, we imagine, must be at least as good as that of Glasgow or Manchester; and though we make no doubt that the *beau monde* of the latter places will be extremely scandalized at the supposition, we can assure them that the Americans consider it as just as little flattering to them; at least we have now lying before us a New-York publication, in which one of these republican wits makes himself exceedingly merry with the ignorance, vulgarity, and forwardness of the *English* traders and agents that occasionally resort to his city.

This objection, then, though we hear it daily made by persons who have not the slightest conception of what polite society is, is obviously quite ridiculous in the mouth of all but the few who move in the very highest circles of fashion; and can only relate to the few who hold a similar rank in the scale of American society, and discharge its functions, it seems, in a less perfect manner. The great body of the people is better educated, and more comfortably situated, than the bulk of any European community, and possess all the accomplishments that are any where to be found in persons of the same occupation and condition. The complaint is, that there are no people of fashion—that their column still wants its Corinthian capital—or, in other words, that those who are rich and idle have not yet existed so long, or in such numbers, as to have brought to full perfection that system of ingenious trifling and elegant dissipation, by means of which it has been discovered that wealth and leisure may be most agreeably disposed of. Admitting the fact to be so, and in a country where there is no court, no nobility, and no monument or tradition of chivalrous usages, and where, moreover, the greatest number of those who are rich and powerful have raised themselves to that eminence by mercantile industry, we really do not see how it could well be otherwise—we would still submit that this is no lawful cause either for national contempt, or for national hostility. It is a peculiarity in the structure of society among that people, which, we take it, can only give offence to their visiting acquaintance; and while it does us no sort of harm while it subsists, promises, we think, very soon to disappear altogether, and no longer to afflict even our imaginations. The number of individuals born to the enjoyment of hereditary wealth is, or at least was, daily increasing in that country; and it is impossible that their multiplication—with all the models of European refinement before them, and all the advantages resulting from a free government and a general system of good education—should fail, within a very short period, to give birth to a better one of conversation and society, and to manners more dignified and refined. Unless we are very much misinformed, indeed, the symptoms of such a change may already be traced in their great cities. Their youths of fortune already travel over all the countries of Europe for their improvement; and specimens are occasionally met with even in these islands, which, with all our prejudices, we must admit would do no discredit to the best blood of the land from which they originally sprung. Mr. Weld, indeed, and former Parkinson, give a very uninviting picture of their society; but M. Tallyrand and the Duc de Liancourt are by no means so fastidious; and we cannot help suspecting that, upon a point of this nature, their opinion is entitled to full as much weight as either of those English authorities. We are not anxious, however, to establish their title to the capabilities of politeness. We only wish to encourage a disposition to be at peace, and to trade with them; and for that purpose we really think it enough, if it can be shown that they are good customers, and dangerous enemies.

Legislature of Delaware.

[The following was inadvertently passed over at the time it should have been inserted in the REGISTER—but as an article for present perusal or future reference, is too valuable to be omitted on that account. [ED.

GOVERNOR'S MESSAGE.

Fellow-Citizens of the Senate,
And of the House of Representatives,

During the preceding year, this state has enjoyed unexampled prosperity. The increase of banking establishments, the prosecution of internal improvements and the extending of manufactures have evinced the growing wealth of our fellow-citizens and the increase of their means of acquisition. Although our nation is involved in war, we have yet felt none of its calamities; while such were the wrongs perpetrated against our country by the kingdom with which war has been declared, as to evince us, that the evils of this war, whatever they may be, cannot equal the evils arising from the outrages which produced it.

From the treaty of peace in 1783, by which his Britannic majesty acknowledged the United States to be free, sovereign and independent states, Great Britain has manifested extreme jealousy of their increasing commerce and flourishing condition. This jealousy has constantly shewn itself in studied embarrassments of the trade, and in wanton violations of the sovereignty of our country. By capricious commercial regulations, she has spoiled our citizens of their property, and by impressing from on board our merchant vessels any persons, whom the commanders of her ships of war might choose to enslave, she has trampled upon the dignity of our flag, not admitting it to give character or protection to those who sailed under it. In the wars which have harrassed Europe, it has been the object of the U. States to remain neutral, and they have claimed the rights, to which they, as a neutral nation, were entitled.—It has been the study of Great Britain to deprive them of these rights by the violation of public law. In 1805 her outrages had been carried to an alarming extent. Under pretext of a principle, which they before had insisted upon, but which she had openly and solemly renounced, she interdicted to neutrals a commerce with her enemy, which she permitted her own subjects to carry on, and which she licens-

ed to neutrals, upon conditions so framed, as to secure to herself a monopoly of the commerce of the world. The senate of the United States viewing this subject as demanding their consideration, on the 12th of February, 1806, resolved unanimously "That the capture and condemnation, under the orders of the British government and adjudications of their courts of admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, was an unprovoked aggression upon the property of the citizens of these U. States, a violation of their neutral rights, and an encroachment upon their national independence." On the 14th of the same month, the senate of the United States further resolved by a majority of 23 to 7, in which majority we read the names of the honorable senators from this state, "That the President of the United States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations (and particularly respecting the impressment of American seamen) as might be consistent with the honor and interests of the U. States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negociation, 'that justice to which they are entitled.' From these resolutions, thus decisively adopted, by the most august body known to our constitution, it was to have been inferred, that this nation would not long endure the wrongs so solemnly remonstrated against. Amicable negociation was tried and was found fruitless. The expostulation of our government against the aggressions of Great Britain were either answered by insult or followed by outrage—To these resolutions of the senate of the United States succeeded the blockade declared by his Britannic majesty in May, 1806, of the long line of coast from the Brest to the Elbe. This blockade was notoriously not a measure of war, but a commercial regulation. The object of Great Britain was to debar neutrals from trading with her enemy;—not to prevent supplies from entering places which she had invested with a design of taking them.—To this blockade succeeded the orders in council of January and November, 1807. These orders were avowedly in violation of the laws of nations. They produced a state of war upon our commerce, organizing a more extensive system of spoliation, and rendering the greatest portion of our foreign trade tributary to the British government. Taxes upon our export, which our own congress could not impose, were laid by his Britannic majesty and sanctioned by his parliament. In consequence of the remonstrance of our government against this taxation, the taxes were at last repealed, and in their places was substituted a general prohibition of the trade which had been thus taxed: and our government were told, that they must consider this total deprivation of the right which they insisted upon, as full redress of the injury of which they complained.

In the various modifications which these orders in council have assumed, the essential principle always remained the same. The destruction of the commerce of this country to promote the commerce of England, has been their uniform object. They have gone hand in hand with the practice of impressments, the one enslaving the persons, the other confiscating the property of our citizens.

Against these outrages upon the persons and property of the citizens of the United States the government of our country have constantly expostulated. They have appealed to the honor, to the justice and to the interest of the British nation. Their appeals have been in vain. To their complaints against the impressment of American seamen, the British government have answered, that the practice was essential to the prosperity of their navy.—But in adhering to this practice, the object of Great Britain cannot be to secure her own subjects, for it has been proffered to her to discontinue this practice under an arrangement, that all British subjects should be excluded by law from our ships. The great number, more than six thousand, of American citizens confined on board her ships of war, evidences the extent of her injustice in this particular, and her refusal to accede to the equitable arrangements proposed to her on this subject, shews, that she intends to enjoy the fruits of this injustice and persevere in the commission of similar wrongs.

In excuse of the orders in council the British government have said that these were measures of retaliation: not of retaliation against the United States; for the United States had done to Britain no injury; but of retaliation against France, who had interdicted British commerce. France had done wrong and we are made to answer for it.——Great Britain thus, according to her own profession, resembling that blind fury which, not being able to reach the object exciting it, destroys every thing within its power. Nor can these orders be considered as measures of retaliation against France.—The design was not to deprive France of the commerce which they concern, but to secure to Great Britain the advantages of this commerce. The trade which they prohibit, Great Britain herself carries on; she will permit us to prosecute it through her ports, paying her for the privilege. So that all her reasons for her outrages, resolves themselves into these, that as the prosperity of the British navy requires the impressment of American seamen, so the prosperity of the British funds requires, that we should have no commerce except through her ports and subject to her taxation. Great Britain has thus made her own interest the sole rule of her actions, violating all public law, disregarding all national rights, and trampling under her feet the sovereignty of our country.

For more than six years from the adoption of the before mentioned resolutions by the senate of the United States, amicable negociations with the British government were continued. An arrangement solemnly entered into with the minister of that government, by which the British nation was to concede nothing of right and this country could gain nothing but a partial redress of its wrongs, was instantly disavowed by his Britannic majesty. Nor until every thing had been tried, till the government of our country has ascertained, that the practice of impressment would not be abandoned, and had been assured by the British cabinet and its accredited minister in the United States that the orders in council would not be repealed except upon the condition, that we should be permitted to trade to France and other places on the continent of Europe in British manufactures and in the produce of the British soil, a condition, which with France and the other nations of Europe, we had no right to insist upon, and which we could not enforce, nor until the orders in council were carried into execution by British cruizers sailing along our own shores, and

the congress of the U. States declare the existence of war between the king of the united kingdom of Great Britain and Ireland and the dependencies thereof, and the United States and their territories.

It is difficult to conceive what other course than that adopted by the congress of the United States could have been pursued. Years experience of negociation had proved, that this was hopeless. Extravagant and extraordinary pretensions had been followed by pretensions still more extravagant and extraordinary. Because the British navy must be manned—our seamen must be impressed; because the British funds must be replenished, our commerce must be rendered tributary; because the British manufactures must be encouraged and the produce of the British soil exported, we must carry these to France and other places on the continent of Europe; because Britain must maintain her ascendant power, we must surrender our rights. It was seen that the unwieldy greatness of England crushed every thing in its way; nor could we fear more from her enmity, than we had endured from her pretended friendship. We were driven to a crisis, when we must either have resigned our sovereignty as a nation, in peace, or vindicate it by war. That the war is just, is universally admitted. From every view which I have been able to take of the subject, I believe it to have been necessary; and that the conduct of the government of the United States in declaring it deserves unqualified approbation.

It is said indeed, and truly, that France has injured us. Her aggressions have undoubtedly been great and numerous; such as our government have strongly remonstrated against, and such as, if persisted in, they must and will oppose by force. But the injuries done by one nation form no excuse for those committed by another. It is no reason, that we should suffer wrongs by one, that we have been wronged by others. The more correct conclusion would be to repel wrongs when perpetrated against us by one nation, in such manner as to render others cautious how they offer to us either injury or insult. Among nations, as among individuals, submission invites aggression—"To spare the humble and subdue the proud," is not the rule of action with mankind.

War has been declared. In whatever light the measures which have led to it may be viewed, the feelings of every American must require, that it should be prosecuted with vigor. Averse to war, we know, that an efficient prosecution of that in which we are engaged, will be the best security against war hereafter. The crisis has come, when we must convince the world that we know how to value our rights and have means to enforce them; that our long suffering of injuries has proceeded from our love of peace, not from any apprehension of the event of war; that our friendship is to be desired, and our enmity to be deprecated.

We have been informed by the President of the U. States and have seen in the public documents, that immediately after war was declared, the President proposed to the British government the terms "on which its progress might be arrested. These terms required, that the orders in council should be repealed as they affected the United States without a revival of blockade violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seas, men of each nation from the ships of the other should be improved into a definitive and comprehensive adjustment of depending controversies." From these terms the welfare of our country requires, that our government should never recede. We can never consent to peace leaving our commerce a prey to lawless violence, our countrymen in bondage, and our enemy in possession of a claim to enslave them, wherever she can find them upon the ocean. The reasonableness of these terms, the conciliatory manner in which they were proposed, and the manner in which they were received and rejected by the British government, if there had not already existed abundant evidence on this subject before, are sufficient to convince us, that we can hope and expect nothing from the justice or friendship of Great Britain. It only remains for us to compel her to grant to our power what we have so often solicited her to yield to our rights.

A war thus waged for the protection of the property and persons of our countrymen, for redress of accumulated wrongs and for future security against such wrongs must have the undivided support of this nation. England openly calculates upon our divisions. During the revolutionary war, her minister publicly professed the ungenerous maxim—"Divide and govern." She was mistaken then; she is mistaken now. The fundamental principle of our constitution is, the will of the majority shall rule. To suppose a case in which this will, constitutionally expressed, shall not carry the obligation to obey, is to suppose a case which cannot happen.—If ever such supposition shall be seriously acted upon, the union will be dissolved. Nor can I understand the reasoning, which admits to the general government and its several branches certain constitutional powers, but denies to them the right to determine the time and manner of exercising these powers. To deny to them such right of determination is to diverse them of their authority. It is the most effectual step toward a separation of the states.

Urged by considerations which this subject presents to me, I must again and earnestly solicit your attention to our militia laws. The propriety of revising these laws and so framing them as to form an efficient militia, has been so often dwelt upon, that I can present it to you in no new light. I can only add, that our nation is now engaged in war, that our enemy abounds in wealth and is powerful in arms. War has long been her trade; from her we must expect no common struggles. Our situation is exposed to danger. Our safety requires that we should prepare to defend ourselves. Our militia must be our principal defence. If we will organize our militia, it will be sufficient for us; and I deem it of the first importance, that the militia should be efficiently organized. To this purpose an energetic militia law is indispensably necessary; such a law as shall command the personal services of all liable to militia duties. The militia law cannot be intended as a means of taxation. It must be so framed as to exclude the probability that the duties which it enjoins will be commuted by the fines that it imposes, or little good will result from it.

[The residue of this excellent speech is confined to subjects of a local nature.]

FROM A LATE LONDON PAPER.

TEA.—*The quantity of this exhilirating beverage, drank in these kingdoms, is most astonishing. Every* three months *the East India Company put up six millions of pounds weight to sale, viz:*

Bohea	800,000 lbs
Congou and Campoi, Souching and Peken,	4,500,000
Singlo and Twankey . . .	850,000
Hyson Skin	100,000
Hyson	250,000

Charter of Rhode-Island,

GRANTED BY CHARLES II. IN THE FOURTEENTH YEAR OF HIS REIGN.

Quintadecima pars Pœntium Anno Regni Regnis Caroli Secundi Quintodecimo.

CHARLES the second, by the grace of God, &c. To all, to whom these presents shall come, greeting. Whereas we have been informed, by the petition of our trusty and well beloved subjects, John Clark, on the behalf of Benedict Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Wicks, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island called Rhode-Island, and the rest of the colony of Providence Plantations, in the Narraganset-Bay, in New-England in America—That they, pursuing with peace and loyal minds, their sober, serious, and religious intentions, of Godly edifying themselves, and one another in the holy christian faith and worship as they were persuaded, together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only, by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England, into America; but also since their arrival there, after their first settlement amongst other of our subjects in those parts, for the avoiding of discord, and these many evils which were likely to ensue upon those our subjects, not being able to bear, in those remote parts, their different apprehension in religious concernments: and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travail, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of that country; where, by the good providence of God, (from whom the plantations have taken their name) upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized, possessed by purchase and consent of said natives, to their full content, of such lands, islands, rivers, harbors, and roads, as are very convenient both for plantations and also for building of ships, supplying of pipe-staves, and other merchandise, which lie very commodious, in many respects, for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having by near neighborhood to, and friendly society with, the great body of Narraganset Indians, given them encouragement, of their own accord, to subject themselves, their people and land unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America:

And whereas, in their humble address, they have freely declared that it is much on their hearts (if they be permitted) to hold forth a lively experiment that a most flourishing civil state may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:

Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all the civil and religious rights appertaining to them, as our loving subjects: and to preserve unto them that liberty in the true christian faith and worship of God, which they have sought, with so much travail and with peaceable minds and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinion conform to the public exercise of religion, according to the liturgy, form, and ceremonies of the church of England, to take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and uniformity established in this nation, have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is:

That no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his own and their judgments, and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty, to licentiousness and profaneness, nor to the civil injury or outward disturbance of others;—any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding.

And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare.

That they shall have and enjoy the benefit of our late act of indemnity, and free pardon, as the rest of our subjects in our other dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And, accordingly, our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared; and by these presents, for us, our heirs and successors, do ordain, constitute and declare, that they the said William Benton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, —— Rainsborrow, —— Williams, and John Nickson, and all such others as are now, or hereafter shall be admitted free of the company and society of our colony of Providence Plantations, in the Narragansett-Bay, in New-England, shall be from time to time, and for ever hereafter, a body corporate and politic in fact and name, by the name of *The governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England, in America*; and that by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law, to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions and causes, of what kind or nature soever; and also to have, take, possess, acquire and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, at their own will and pleasure, as other liege people of our realm of England, or any corporation, or body politic within the same, may lawfully do:

And further, that they, the said governor and company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes things and affairs whatsoever, of them and their successors: and the same seal to alter, change, break and to make new, from time to time, at their will and pleasure, as they shall think fit.

And further, we will and ordain, and by these presents, for us, our heirs and successors, declare and appoint, that for the better ordering and managing of the affairs of the said company and their successors, there shall be one governor, one deputy-governor, and ten assistants, to be from time to time constituted, elected and chosen out of the freemen of the said company, for the time being, in such manner and form, as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there.

And for the better execution of our royal pleasure herein, we do, for us, our heirs, and successors, assign, name, constitute and appoint the aforesaid Benedict Arnold, to be the first and present governor of the said company; and the said William Brenton, to be the deputy-governor; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Green, John Cogeshall, James Barker, William Field, and Joseph Clarke, to be the ten present assistants of the said company, to continue in the said several offices respectively until the first Wednesday which shall be in the month of May now next coming.

And further, we will, and by these presents, for us, our heirs and successors, do ordain and grant, that the governor of the said company, for the time being, or in his absence, by occasion of sickness or otherwise, by his leave or permission, the deputy-governor for the time being, shall and may, from time to time, upon all occasions, give orders for the assembling of the said company, and calling them together to consult and advise of the business and affairs of the said company; and that forever hereafter twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October or oftener, in case it shall be requisite, the assistants and such of the freemen of the said company, not exceeding six persons for Newport, four persons of each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be from time to time thereunto elected or deputed, by the major part of the freemen of the respective towns or places, for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company and plantations.

And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England in America, and their successors, That the governor, or, in his absense, or by his permission, the deputy-governor of the said company, for the time being, the assistants and such of the freemen of the said company, as shall be so aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the general assembly; and that they, or the greatest part of them then present (whereof the governor, or deputy-governor, and six of the assistants at least, to be seven) shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint alter and change such days, times, and places of meeting and general assembly, as they shall think fit: and to choose, nominate and appoint such and so many persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect and constitute such offices and officers, and to grant such necessary commissions as they shall think fit and requisite, for ordering, managing, and dispatching of the affairs of the said governor and company, and their successors: and from time to time to make, ordain, constitute, and repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy as to them shall seem meet, for the good and welfare of the said company, and for the government and ordering of the lands hereditaments hereinafter mentioned to

be granted, and of the people that do, or at any time hereafter shall inhabit or be within the same; so as such laws, ordinances, and constitutions, so made, be not contrary and repugnant unto, but, (as near as may be) agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there; and also to appoint, order, and direct, erect, and such places and courts of jurisdiction, for hearing and determining of all actions, cases, matters, and things happening within the said colony and plantations, which shall be in dispute, and depending therein, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers and limits, of each court, office, and officer, superior and inferior; and also, to contrive and appoint such forms of oaths and attestations, not repugnant, but (as near as may be) agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite with respect to the due administration of justice, and due execution and discharge of all offices and places of trust, by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit and distinguish the number and bounds of all places, towns, and cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, that they have, or shall have the power of electing and sending of freemen to the said general assembly; and also to order, direct, and authorise the imposing of lawful and reasonable fines, mulcts, imprisonment, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations, within this our kingdom of England; and again to alter revoke, annul, or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments, and condemnations, as shall he thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet, whereby our said people, and inhabitants in the said plantations, may be so religiously, peaceably, and civily governed, as that by their good life, and orderly conversation, they may win and invite the native Indians of the country, to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and by these presents, for us, our heirs, and successors, ordaining, and appointing, that all such laws, statutes, orders and ordinances, instructions, impositions, and directions, as shall be made by the governor, deputy, assistants and freemen, or such number of them as aforesaid, and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate exemplification thereof, shall be, to all and every such officers, superior or inferior, from time to time for the putting of the same orders, laws, statutes, ordinances, instructions, and directions in due execution, against, us, our heirs successors, a sufficient warrant and discharge.

And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, establish and ordain, That yearly, once in the year forever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere if urgent occasion do require, the governor, deputy-governor, and assistants of the said company, or such of them as the general assembly shall think fit, shall be in the said general court or assembly to be held from that day or time, newly chosen for the year ensuing by the greater part of the said company for the time being, as shall be then and there present. And if it shall happen, that the present governor, deputy-governor, and assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their respective rooms, or any of them, or any other of the officers of the said company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare for a misdemeanor or default, to be removable by the governor, assistants and company, or such greater part of them, in any of the said public courts to be assembled as aforesaid) that then, and in every such case, it shall and may be lawful to and for the said governor, deputy-governor, assistants and company aforesaid, or such greater part of them to be assembled as aforesaid, in any of their assemblies, to proceed to a new election of one or more of their company in the room or place, rooms or places, of such officer or officers, so dying or removed, according to their directions. And immediately upon and after such election or elections made of such governor, deputy-governor, assistant, or assistants, or any other officer of the said company, in manner and form aforesaid, the authority, office, and power, before given to the former governor, deputy-governor, and other officer and officers so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine: Provided always, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy-governor, and assistants of the said company, as those which shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath or otherwise, for the due and faithful performance of their duties, in their several offices and places, before such person or persons, as are by these presents hereafter appointed to take and receive the same: that is to say, the said Benedict Arnold, who is herein before nominated and appointed the present governor of the said company, shall give the aforesaid engagement, before William Brenton, or any two of the said assistants of the said company, unto whom we do by these presents give full power and authority to require and receive the same: and the said William Brenton, who is hereby before nominated and appointed the present deputy-governor of the said company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the assistants of the said company, unto whom we do by these presents, give full power and authority to require and receive the same: and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshell, James Barker, William Field, and Joseph Clark, who are herein before nominated and appointed the present assistants of the company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further our will and pleasure is, that all and every other future governor, or deputy-governor, to be elected and chosen by these presents, shall give the said engagement before one or more of the said assistants of the said company, for the time being, unto whom we do by these presents give full power and authority to require administer or receive the same: and the said assistants, and every of them, and all and every other officer or officers, to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements to their offices and places respectively belonging, before the governor, or deputy-governor, for the time being; unto which said governor, or deputy-governor we do by these presents give full power and authority, to require, administer, or receive the same accordingly.

And we do likewise, for us, our heirs, and successors, give and grant unto the said governor and company, and their successors, by these presents, that for the more peaceably and orderly government of the said plantations, it shall and may be lawful for the governor, deputy-governor, assistants and all other officers and ministers of the said company in the administration of justice, and exercise of government, and the said plantations, to use, exercise, and put in execution such methods, orders, rules, and directions, (not being contrary and repugnant to the laws and statutes of this our realm) as have been heretofore given, used and accustomed in such cases respectively, to be put in practice, until at the next, or some other general assembly, especial provision shall be made in the cases aforesaid.

And we do further, for us, our heirs and successors, give and grant to the said governor and company and their successors, by these presents, that it shall and may be lawful to and for the said governor, or in his absence, the deputy-governor, and major part of the said assistants for the time being, at any time when the said general assembly is not setting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers as to them shall seem requisite, for the leading, conducting, and training up the inhabitants of the said plantations in martial affairs, and for the defence and safeguard of the said plantations; that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the governor, or in his absence the deputy-governor, and six of the assistants, and major-part of the freemen of said company, present at any general assemblies, nominated, appointed, and constituted, according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, marshal, array, and put in warlike posture, the inhabitants of said colony, for their especial defence and safety; and to lead and conduct the said inhabitants, and to encounter, repulse, and resist by force of arms as well by sea as by land, to kill, slay, and destroy, by all fitting ways, enterprizes and means whatsoever, all and every such person or persons, as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of the said inhabitants or plantations; and to use and exercise the law martial, in such cases only as occasion shall necessarily require; and to take and surprize, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armour, ammunition, or other goods of such persons, as shall in hostile manner invade, or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and upon just cause to invade and destroy the native Indians or other enemies of the said colony.

Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New-England, that it shall not be lawful for this our said colony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives inhabiting within the bounds and limits of the said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds or limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection) without the knowledge and consent of the governor and company of our colony of Rhode-Island and Providence Plantations.

Also our will and pleasure is, and we do hereby declare unto all christian kings, princes and states, that if any person who shall hereafter be of the said company or plantation, or any other, by appointment of the said governor and company, for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt, or unlawful hostility, to any of the subjects of us, our heirs and successors, or to any of the subjects of any prince or state, being then in league with us, our heirs and successors: upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation, within any part of our realm of England, fit for that purpose that the person or persons committing any such robbery or spoil, shall within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince or others so complaining, may be fully satisfied and contented: and if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within such time so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection: and that then it shall and may be lawful and free for all princes or others, to prosecute with hostility such offenders, and every of them, their and every of their procurers, aiders and abetors, and counsellors in that behalf.

Provided also, and our express will and pleasure is, and we do by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not in any manner hinder any of our loving subjects whatsoever, from using and exercising the trade of fishing upon the coast of New-England in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the sea, or salt water rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land, belonging to the said colony and plantations, such wharves, stages and work-houses as shall be necessary for the salting, drying, and keeping of their fish, to be taken or gotten upon that coast.

And further, for the encouragement of the inhabitants of our said colony of Providence Plantations, to set upon the business of taking whales, it shall be lawful for them or any of them, having struck a whale, thibertus, or other great fish, it or them to pursue unto that coast, or into any bay, river, cove, creek or shore, belonging thereto, and it or them upon the said coast, or in the said bay, river, cove, creek, or shore belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; any thing in these presents contained, or any other matter or thing to the contrary notwithstanding.

And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of vines) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of a like nature.

And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said governor and company of the English colony of Rhode-Island and Providence Plantations, in the Narraganset-bay, in New-England, in America, and to every inhabitant there, and to every person, and persons, trading thither, and to every such person or persons, as are, or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport and carry away out of any of our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects, and strangers, as shall or will, willingly accompany them in and to their said colony and plantations, except such person or persons, as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandize, and other things whatsoever, that are, or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs, and successors, such duties, customs and subsidies, as are or ought to be paid or payable for the same.

And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said governor and company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children which have been born there, or which shall happen hereafter to be born there, or on the sea going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects, within any of the dominions of us, our heirs and successors, to all intents, constructions and purposes whatsoever, as if they, and every of them were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents for us, our heirs and successors, do give, grant, and confirm unto the said governor and company, and their successors, all that part of our dominions, in New-England in America, containing the Nahantick and Nanhyganset alias Naraganset-bay, and countries and parts adjacent, bounded on the west or westerly, to the middle or channel of a river there, commonly called and known by the name of Paweatuck, alias Paweatuck river, and so along the said river, as the greater or middle stream thereof stretches or lies up into the north country, northward unto the head thereof, and from thence by a straight line drawn due north, until it meet with the south line of the Massachusetts colony; and on the north or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly, three English miles, to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narraganset-bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eastwardly side or bank of the said river, (higher called by the name of Seacunck) up to the falls called Patucket Falls, being the most westwardly line of Plymouth colony; and so from the said falls, in a straight line due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwicke, Misquamicuck, alias Paweatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode-Island, Block-island, and all the rest of the islands and banks in Narraganset-bay, and bordering upon the coast of the tract aforesaid, (Fisher's island only excepted) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood-grounds, rocks, states, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, to them or any of them belonging, or in any wise appertaining—to have and to hold the same, unto the said governor and company, and their successors forever upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns; to be holden of us, our heirs and successors, as of the manor of East-Greenwich, in our county of Kent, in free and common soccage, and not in capite, nor by knight's service—yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver, which, from time to time, and at all times hereafter, shall be there gotten, had or obtained, in lieu and satisfaction of all services, duties, fines, forfitures, made or to be made, claims or demands whatsoever, to be to us, our heirs, or successors, therefore or thereabout rendered, made or paid: any grant or clause in a late grant to the governor and company of Connecticut colony, in America, to the contrary thereof in anywise notwithstanding; the aforesaid Paweatuck river having been yielded after much debate for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed, that the said Paweatuck river, shall also be called, alias Naraganecett or Naraganset river, and to prevent future disputes that otherwise might arise thereby, forever hereafter shall be construed deemed and taken to be the Narraganecett river, in our late grant to Connecticut colony, mentioned as the easterly bounds of that colony.

And further, our will and pleasure is, that in all matters of public controversies, which may fall out between our colony of Providence Plantations, to make their appeal therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence plantations, without let or molestation, to pass and repass with freedom into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse, and hold commerce and trade with such of the inhabitants of our other English colonies, as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding.

And lastly, we do for us, our heirs and successors, ordain and grant, unto the said governor and company, and their successors, by these presents, that these our letters patents shall be firm, good, effectual, and available, in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning, herein before declared, and shall be construed, reputed and adjudged, in all cases most favorable on the behalf and for the best benefit and behoof of the said governor, company, and their successors, although express mention, &c. In witness, &c. Witness, &c. *Per Ipsum Regem.*

[The state of Rhode-Island and Providence Plantations has not assumed a form of government different from that contained in the foregoing charter. For in that the king ceded to the governor and company, all powers, legislative, executive and judicial reserving to himself, as an acknowledgement of his sovereignty, a render of the fifth part of the gold and silver ore that should be found within the territory. The governor, chief magistrates, and legislators are chosen by the freemen as usual, and all judicial and executive officers are annually elected by the governor and company, or upper and lower house of assembly. All processes, original and judicial, formerly issued in the king's name, but they now issue in the name of the governor and company. The oaths of allegiance and of office are made conformable to the principles of the revolution. The governor, in his legislative capacity, cannot give a negative to any act of the two houses; but, in common with the other magistrates, has one voice only.

The state is divided into five counties, in each of which there is a court of common pleas and general sessions of the peace, held twice every year, for the trial of all causes not capital, that arise within their limits; from which an appeal lies to the superior court of judicature, court of assize and general jail delivery, whose jurisdiction extends over the whole state, and who also sit twice a year in each county. The constitution admits not of religious establishments, any further than depends upon the voluntary choice of individuals. All men professing a belief in one Supreme Being are equally protected by the laws; and no particular sect can claim pre-eminence.]

Connecticut.

ACCOUNT OF THE CONSTITUTION OF CONNECTICUT.

Connecticut is divided into six counties, and each county is divided into a number of towns. Each town has a right to send two representatives to the general court of assembly. The general court consists of two branches, called the upper and lower house. The upper house is composed of the governor, deputy governor, and twelve assistants or counsellors; and the lower house, of the representatives of the several towns. This court has the sole power to make and repeal laws, grant levies, dispose of lands belonging to the state, to particular towns and persons: to erect and style judicatories and officers, as they shall see necessary for the good government of the people; also to call to account, any court, magistrate, or other officer, for misdemeanor and maladministration; and for just cause may fine, displace or remove them, or deal otherwise, as the nature of the case shall require; and deal or act in any other matter, that concerns the good of the state, except the election of governor, deputy governor, assistants, treasurer and secretary, which shall be done by the freemen, at the yearly court of election, unless there be any vacancy, by reason of death or otherwise, after the election, which may be filled up by the general court. This court has power also, for reasons satisfactory to them, to grant suspension, release, and jail delivery upon reprieve, in capital and criminal cases. The general court has two stated sessions annually, on the second Tuesday of May and October.

The governor, or in his absence the deputy governor, may call the assembly, on special emergencies, to meet at any other time. The governor, deputy governor, assistants, and secretary, are annually elected, on the second Thursday in May. The representatives are newly chosen for each stated session. The judges and justices are annually appointed by the general court; the same persons are commonly re-appointed from time to time, during their capacity to serve, unless guilty of misbehavior. The sheriffs are appointed by the governor and council, without limitation of time; but may be superceded by the authority that appoints them. The governor, for the time being, is captain-general of the militia; the deputy governor, lieutenant-general; the other general officers and the field-officers are appointed by the general court, and commissioned by the governor. The captains and subalterns are chosen by the vote of the company and householders livin: within the limits of the company; the persons so chosen must be approved by the general court, and commissioned by the governor, before they have power to execute their office. All the military officers hold their office during the pleasure of the assembly; nor can they resign their commissions, without leave of the captain-general, under penalty of doing duty in the ranks, as private soldiers. The mode of electing the governor, deputy governor, assistants, treasurer and secretary is, that the freemen in the several towns, meet on the Monday next after the first Tuesday in April, annually, (being the day appointed by law for that purpose, and choosing representatives) and give in their votes for the persons they choose for said offices respectively, with their names written on a piece of paper, which votes are received and sealed up by a constable, in the freemen's meeting—the votes for each of said offices, in a different paper—writing on the outside the name of the town and the office for which the votes are given in; which are sent by the representatives to the general court, to be held on the second Thursday of May next ensuing, at which time, after the house of representatives have chosen a speaker and clerk, a committee is chosen of members of both houses, to sort and count the votes, and declare the names of the persons chosen to said offices. Any freeman, qualified to vote for representatives, may be elected to any office in the government. In choosing assistants, twenty persons are nominated by the votes of the freemen, given in at their meeting for choosing representatives in September annually, and sealed up and sent to the general court in October then next: which are counted by a committee of both houses, and the twenty persons who have the greatest number of votes, stand in nomination, out of which number twelve are to be chosen assistants, by the freemen, the next April, in manner afore described.

The qualifications, requisite to entitle a person to vote in elections of the officers of government, are maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold, or forty pounds personal estate; if the selectmen of the town certify a person qualified in those respects, he is admitted a freeman, on his taking an oath of fidelity to the state.

The names of all that are thus admitted, are enrolled in the town clerk's office, and continue freemen during life, unless disfranchised by a sentence of the superior court, on conviction of a misdemeanor.

The governor, or in his absence, the deputy governor, in the upper house—and the speaker, in the lower house of assembly, have a casting voice, when the members of the respective houses including the governor and speaker, are equally divided in opinion on any question.

There is in this state a superior court, consisting of one chief judge and four other judges, who have authority in all criminal cases, extending to life, limb, and banishment, and to hear and determine all civil actions, brought by appeal from the county courts, or on writs of error. This court also hath authority in all matters of divorce. There are two stated sessions of the superior court, in each county annually.

There are also county courts held in the several counties, consisting of one judge and four justices of the quorum, who have jurisdiction in all criminal cases, arising in their respective counties, where the punishment does not extend to life, limb, or banishment. The county courts have also original jurisdiction, in all civil actions, wherein the demand exceeds forty shillings.

The superior and county courts try matters of fact, by a jury according to the course of the common law.

Justices of the peace have authority to hear and determine civil actions, where the amount does not exceed forty shillings. They also have authority, in some cases of a criminal nature, punishable by fine not exceeding forty shillings, or whipping not exceeding ten stripes, or sitting in the stocks.

This state is also divided into a number of probate districts, less than counties; in each of which is appointed a judge, for the probate of wills, granting administration on intestate estates, appointing guardians for minors, ordering distribution of intestate estates, &c. An appeal lies, from any decree of this court, to the superior court.

The superior, county, and probate courts, appoint their respective clerks.

The general court has, till very lately, been the only court of chancery in this state. But by a late law the county courts determine matters of equity, from five pounds to two hundred pounds value; the superior court from two hundred to eight hundred pounds value; and the general assembly, all cases exceeding the last mentioned sum.

All attornies at law are admitted and sworn by the county courts; there is no attorney-general, but there used to be one king's attorney in each county; but since the king has abdicated the government, they are now attornies to the governor and company.

Constitution of New-York.

In Convention of the Representatives of the State of New-York.

KINGSTON, 20th April, 1777.

WHEREAS, the many tyrannical and oppressive usurpations of the king and parliament of Great Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by congress and committees as temporary expedients, and to exist no longer than the grievances of the people should remain without redress.

And whereas, the congress of the colony of New-York, did, on thirty-first day of May, now last past, resolve as follows, viz.

"*Whereas*, the present government of this colony, by congress and committees, was instituted while the former government, under the crown of Great Britain, existed in full force; and was established for the sole purpose of opposing the usurpation of the British parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain.

"*And whereas*, many and great inconveniences attended the said mode of government by Congress and committees, as of necessity, in many instances, legislative, judicial and executive powers have been vested therein, especially since the dissolution of the former government, by the abdication of the late governor, and the exclusion of this colony from the protection of the king of Great Britain.

"*And whereas*, the continental congress did resolve as followeth, to wit:

'*Whereas*, his Britannic majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of parliament, excluded the inhabitants of these united colonies from the protection of his crown. And whereas, no answer whatever, to the humble petition of the colonies for redress of grievances and reconciliation with Great Britain, has been or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies. And whereas, it appears absolutely irreconcileable to reason and good conscience, for the people of these colonies, now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue and good order, as well as for the defence of our lives, liberties and properties, against the hostile invasions and cruel depredations of our enemies. Therefore,

'*Resolved*, That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

"*And whereas*, doubts have arisen whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and control whatever. *And whereas*, it appertains of right solely to the people of this colony to determine the said doubts: Therefore,

"*Resolved*, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present congress, either to authorise (in addition to the power vested in this congress) their present deputies, or others instead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as is and by the said resolution of the continental congress is described and recommended: And if the majority of the counties by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this colony; and to continue in force until a future peace with Great Britain shall render the same unnecessary.—And,

"*Resolved* That the said elections in the several counties ought to be had on such a day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New-York, by the second Monday in July next; on which day all the said deputies ought punctually to give their attendance.

"*And whereas*, the object of the aforegoing resolutions is of the utmost importance to the good people of this colony:

"*Resolved*, That it be, and it is hereby earnestly recommended to the committees, freeholders, and other electors in the different counties in this colony, diligently to carry the same into execution."

And whereas the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorized and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned.

And whereas, the delegates of the United American States, in general congress convened, did on the fourth day of July now last past, solemnly publish and declare, in the words following, to wit:

[Here follows the declaration of American Independence.]

And whereas, this convention, taking this declaration into their most serious consideration, did on the ninth day of July last past, unanimously resolve, that the reasons assigned by the continental congress, for declaring the United colonies free and independent states, are cogent and conclusive; and that while we lament the cruel necessity which has rendered that measure unavoidable; we approve the same, and will, at the risque of our lives and fortunes, join with the other colonies in supporting it.

By virtue of which several acts, declarations and proceedings mentioned and contained in the afore-recited resolves or resolutions of the general congress of the United American states, and of the congresses or conventions of this state, all power whatever therein hath reverted to the people thereof, and this convention hath, by their suffrages and free choice been appointed, and among other things authorized to institute and establish such a government, as they shall deem best calculated to secure the rights and liberties of the good people of this state, most conducive of the happiness and safety of their constituents in particular, and of America in general.

I. This convention, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that no authority shall, on any pretence whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare that the supreme legislative power, within this state, shall be vested in two separate and distinct bodies of men—the one to be called, the assembly of the State of New-York—the other to be called, the senate of the State of New-York—who together shall form the legislature, and meet once at least in every year for the despatch of business.

III. And whereas, laws, inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: be it ordained, that the governor for the time being, the chancellor, and the judges of the supreme court—or any two of them, together with the governor—shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature; and for that purpose shall assemble themselves from time to time, when the legislature shall be convened: for, which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever. And that all bills, which have passed the senate and assembly, shall, before they become laws, be presented to the said council, for their revisal and consideration: and if, upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly (in whichsoever the same shall have originated) who shall enter the objections, set down by the council, at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two-thirds of the said senate or house of assembly shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays, be it further ordained, that if any bill shall not be returned by the council within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill, within ten days, impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportion, following, viz.

For the city and county of New-York, *nine*.
The city and county of Albany, *ten*.
The county of Duchess, *seven*.
The county of Westchester, *six*.
The county of Ulster, *six*.
The county of Suffolk, *five*.
The county of Queens, *four*.
The county of Orange, *four*.
The county of Kings, *two*.
The county of Richmond, *two*.
The county of Tryon, *six*.
The county of Charlotte, *four*.
The county of Cumberland, *three*.
The county of Gloucester, *two*.

V. That as soon after the expiration of seven years (subsequent to the termination of the present war) as may be, a census of the electors and inhabitants of this state, shall be taken under the direction of the legislature. And if, on such census, it shall appear that the number of representatives in assembly, from the said counties, is not justly proportioned to the number of electors in said counties respectively, that the legislature do adjust and apportion the same by that rule.———And further, that once in every seven years, after the taking of the said first census, a just account of the electors, resident in each county shall be taken: and if it shall thereupon appear that the number of electors in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly—that is so say, one representative for every seventieth part aforesaid.

VI. And whereas, an opinion hath long prevailed, among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*:—To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, that as soon as may be after the termination of the present war, between the United States of America and Great Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state, for senators and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. And whereas it is possible, that after all the care of the legislature, in framing the said act or acts, certain inconveniences and mischiefs unforeseen at this day, may be found to attend the said mode of electing by ballot:

It is further ordained, that if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided, two-thirds of the members present in each house respectively, shall concur therein: and further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators and representatives in assembly, by ballot, the said elections shall be made *viva voce*.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this state for six months immediately preceding the day of election, shall at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state; provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer, or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation of allegiance to the state.

IX. That the assembly, thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business in like manner as the assemblies of the colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.

X. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the senate of the state of New-York shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years, and, immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three, four; that the seats of the members of the first class, shall be vacated at the expiration of the first year, the second class the second year, and so on continually; to the end, that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators, shall be after this manner: that so much of this state as is now parcelled into counties, be divided into four great districts; the southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district the city and county of Albany, and Tryon county; and the eastern district the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders qualified as aforesaid in each district. That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors which by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen as aforesaid, shall be necessary to constitute a senate sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. And be it ordained, that it shall be in the power of the future legislature of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that no member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this state by this constitution, unless by the law of the land or the judgment of his peers.

XIV. That neither the assembly nor the senate shall have the power to adjourn themselves for any longer time than two days without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by

committees, to be by them respectively chosen by ballot. That the doors, both of the assembly and the senate shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York; and, except such parts as they shall as aforesaid respectively determine not to make public, be from day to day, if the business of the legislature will permit, published.

XVI. It is nevertheless provided that the number of senators shall never exceed one hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case the legislature shall, from time to time, thereafter, by laws for that purpose, apportion and distribute the said one hundred senators and three hundred representatives among the great districts and counties of this state, in proportion to the number of their respective electors, so that the representation of the good people of this state, both in the senate and assembly, shall forever remain proportionate and adequate.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the supreme executive power and authority of this state, shall be vested in a governor; and that statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be, by ballot, elected governor by the freeholders of this state, qualified as before described to elect senators, which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said state, shall be governor thereof.

XVIII. That the governor shall continue in office three years, and shall, by virtue of his office, be general and commander in chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion to grant reprieves and pardons to persons convicted of crimes other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon, or direct the execution of the criminal, or grant a further reprieve.

XIX. That it shall be the duty of the governor to inform the legislature at every session of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare, and prosperity; to correspond with the continental congress, and other states, to transact all necessary business with the officers of government, civil and military, to take care that the laws are faithfully executed, to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature.

XX. That a lieutenant-governor shall, at every election of a governor, and as often as the lieutenant governor shall die, resign, or be removed from office, be elected in the same manner with the governor, to continue in office until the next election of a governor, and such lieutenant-governor shall, by virtue of his office, be president of the senate, and upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

And in case of the impeachment of the governor, or his removal from office, death, resignation or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor absent or impeached, shall return or be acquitted. Provided, that where the governor shall, with the consent of the legislature, be out of the state, in time of war, at the head of the military force thereof, he shall still continue in his command of all the military force of the state both by sea and land.

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant-governor, administer the government, until others shall be elected by the suffrage of the people, at the succeeding election.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the treasurer of this state shall be appointed by act of the legislature; to originate with the assembly: provided that he shall not be elected out of either branch of the legislature.

XXIII. That all officers, other than those, who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council, for the appointment of the said officers, of which the governor for the time being, or the lieutenant-governor, or the president of the senate, (when they shall respectively administer the government) shall be president, and have a casting voice, *but no other vote*—and with the advice and consent of the said council, shall appoint all the said officers; and that a majority of the said council be a quorum; and further, the said senators shall not be eligible to the said council for two years successively.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor; and that the chancellor, the judges of the supreme court, and first judge of the county court in every county, hold their offices during good behavior, or till they have respectively attained the age of sixty years.

XXV. That the chancellor and judges of the supreme court shall not, at the same time, hold any other office, excepting that of delegate to the general congress upon special occasions; and that the first judges of the county courts, in the several counties, shall not at the same time, hold any other office excepting that of senator, or delegate to the general congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as before excepted, it shall be at his option in which to serve.

XXVI. That the sheriffs and coroners be annually appointed: and that no person shall be capable of holding either of the said offices more than four years successively; nor the sheriffs of holding any other office at the same time.

XXVII. And be it further ordained, that the register, and clerks in chancery, be appointed by the chancellor; the clerks of the supreme court by the judges of the said court; the clerk of the court of probate, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty. The said marshal, registers, and clerks to continue in office, during the pleasure of those, by whom they are to be appointed, as aforesaid.

And that all attornies, solicitors, and counsellors at law, hereafter to be appointed, be appointed by the court, and licenced by the first judge of the court, in which they shall respectively plead or practice; and be regulated by the rules and orders of the said courts.

XXVIII. And be it further ordained, that where, by this convention, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: Provided that new commissions shall be issued to judges of the county courts (other than to the first judge) and to justices of the peace once at least in every three years.

XXIX. That town clerks, supervisors, assessors, constables, collectors, and all other officers, heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the legislature.

That loan-officers, county-treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the legislature.

That delegates to represent this state in the general congress of the United States of America, be annually appointed as follows, to wit: The senate and assembly shall each openly nominate as many persons as shall be equal to the whole number of delegates to be appointed; after which nomination, they shall meet together, and those persons, named in both lists, shall be delegates; and out of those persons whose names are not in both lists, one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

XXX. That the style of all laws shall be as follows, to wit: "Be it enacted by the people of the state of New York represented in senate and assembly:" And that all writs and other proceedings shall run in the name of *The people of the state of New-York*, and be tested in the name of the chancellor or chief justice of the court, from whence they shall issue.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that a court shall be instituted, for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate, for the time being, and the senators, chancellor and judges of the supreme court, or the major part of them: except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached, shall be suspended from exercising his office, until his acquittal: and in like manner, when an appeal, from a decree in equity, shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error, on a question of law, on a judgment in the supreme court, the judges of that court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary, that two-third parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence: and that no judgment of the said court shall be valid, unless it be assented to by two-third parts of the members then present; nor shall it extend further than to removal from office, and disqualification to hold and enjoy any place of honor, trust, or profit, under this state. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

XXXIV. And it is further ordained, that in every trial on impeachment, or indictment for crimes or misdemeanor, the party impeached or indicted, shall be allowed council, as in civil actions.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great Britain and of the acts of the legislature of the colony of New-York, as together did form the law of the of said colony on the 19th of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this state, subject to such alterations and provisions as the legislature of this state shall, from

time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common-law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concerning the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives claimed or exercised by the king of Great Britain and his predecessors, over the colony of New-York, or its inhabitants, or are repugnant to this constitution—be, and they hereby are, abrogated and rejected. And this convention doth further ordain, that the resolves or resolutions of the congress of the colony of New-York, and of the convention of the state of New-York, now in force, and not repugnant to the government, established by this constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions as the legislature of this state may, from time to time, make concerning the same.

XXXVI. And be it further ordained, that all grants of lands within this state, made by the king of Great Britain or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred seventy-five, shall be null and void: but that nothing in this constitution contained shall be construed to affect any grants of land within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to that day. And that none of the said charters shall be adjudged to be void, by reason of any nonuser, or misuser of any of their respective rights or privileges, between the nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. And further, that all such of the officers, described in the said charters respectively, as, by the terms of the said charters, were to be appointed by the governor of the colony of New-York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council established by this constitution, for the appointment of officers in this state, until otherwise directed by the legislature.

XXXVII. And whereas, it is of great importance to the safety of this state, that peace and amity with the Indians within the same be at all times supported and maintained: and whereas, the frauds, too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities: Be it ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which hereafter may be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this state.

XXXVIII. And whereas we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind: Provided that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

XXXIX. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function; therefore no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of, holding any civil or military office or place, within this state.

XL. And whereas, it is of the utmost importance to the safety of every state, that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it; this convention, therefore, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that the militia of this state, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such of the inhabitants of this state (being of the people called Quakers) as, from the scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the state, such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever hereafter, at the expence of this state, and by acts of the legislature, established, maintained, and continued in every county in this state.

XLI. And this convention doth further ordain, determine and declare, in the name and by the authority of the good people of this state, that trial by jury, in all cases in which it hath heretofore been used in the colony of New-York, shall be established and remain inviolate forever. And that no acts of attainder shall be passed by the legislature of this state, for crimes, other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

XLII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that it shall be in the discretion of the legislature, to naturalize all such persons, and in such manner as they shall think proper; provided all such of the persons, so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and state, in all matters, ecclesiastical, as well as civil. By order,

LEONARD GANSEVOORT,
Pres. pro tempore.

AMENDMENTS.

IN CONVENTION OF THE DELEGATES OF THE STATE OF NEW-YORK.

Albany, October 27, 1801.

WHEREAS the legislature of this state, by their act passed the sixth day of April last, did propose to the citizens of this state to elect by ballot delegates to meet in convention "for the purpose of considering the parts of the constitution of this state respecting the number of senators and members of assembly in this state, and with power to reduce and limit the number of them as the said convention might deem proper: and also for the purpose of considering and determining the true construction of the twenty-third article of the constitution of this state, relative to the right of nomination to office:—

And whereas the people of this state have elected the members of this convention for the purpose above expressed; and this convention having maturely considered the subject thus submitted to their determination, do, in the name and by the authority of the people of this state, *ordain, determine and declare:*

I. That the number of the members of the assembly hereafter to be elected shall be one hundred, and shall never exceed one hundred and fifty.

II. That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this state, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.

III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say:—The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up; and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated by the senators of those districts belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district, and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district, shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this state, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census abovementioned; which eight senators so to be chosen shall form the first class.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and that upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this state, as nearly as may be, according to the number of their respective electors; Provided, That the legislature shall not be prohibited by any thing herein contained, from allowing one member of assembly to each county heretofore created within this state.

V. And this convention do further, in the name and by the authority of the people of this state, *ordain, determine and declare*, That by the true construction of the twenty-third article of the constitution of this state, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this state for the time being and in each of the members of the council of appointment. By order,

A. BURR, *President of the convention, and Delegate from Orange county.*

Attest—*James Van Ingen,* } Secretaries.
Joseph Constant, }

Constitution of New-Jersey.

WHEREAS all the constitutional authority, ever possessed by the kings of Great Britain over these colonies,* or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the

* On the 20th September, 1777, an act of the legislature was passed substituting the word *state* for the word *colony* in commissions, writs, &c. No other alteration has take place in the constitution.

other's being refused or withdrawn:—And whereas George the third, king of Great Britain, has refused protection to the good people of these colonies: and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body: and has also made war upon them in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people and enable them to exert their whole force in their own necessary defence; and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies, as have not yet gone into measures, to adopt for themselves respectively such government as shall best conduce to their own happiness and safety, and the well-being of America in general:—We, the representatives of the colony of New-Je sey, having been elected by all the counties in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter-rights and the form of a constitution, in the manner following, viz.

I. That the government of this province shall be vested in a governor, legislative council, and general assembly.

II. That the said legislative council and general assembly, shall be chosen, for the first time on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly and every year, forever (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that at the same time, each county shall also choose three members of assembly; provided that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county; that on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto. Provided always that if a majority of the representatives of this province, in council and general assembly convened, shall at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly, shall not at any time be less than thirty-nine.

IV. That all inhabitants of this colony of full age, who are worth fifty pounds proclamation money, clear estate in the same and have resided within the county in which they claim a vote, for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly and also for all other public officers, that shall be elected by the people of the county at large.

V. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members: sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

VI. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that they shall not prepare or alter any money bill—which shall be the privilege of the assembly; that the council shall, from time to time, be convened by the governor or vice-president, but must be convened at all times, when the assembly sits; for which purpose, the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor or vice-president, of the time and place to which the house is adjourned.

VII. That the council and assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony, to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice-president, who shall act as such in the absence of the governor.

VIII. That the governor, or in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander-in-chief of all the militia, and other military force in this colony; and that any three or more of the council shall, at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them; and that the governor be ordinary or surrogate-general.

IX. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

X. That captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties; but field and general officers, by the council and assembly.

XI. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or in his absence, by the vice-president of the council, to be used by them, as occasion may require; and it shall be called *the great seal of the colony of New-Jersey.*

XII. That the judges of the supreme court shall continue in office for seven years; the judges of the inferior court of common pleas in the several counties, justices of the peace; clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney general and provincial secretary, shall continue in office for five years; and the provincial treasurer shall continue in office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or in his absence, by the vice-president of the council. Provided always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehavior by the council, on an impeachment of the assembly.

XIII. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices, until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

XIV. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal, shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

XV. That the laws of this colony shall begin in the following style, viz.—"Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:" that all commissions granted by the governor or vice-president, shall run thus—"The colony of New-Jersey to A. B. &c. greeting:" and that all writs shall likewise run in the name of the colony; and that all indictments shall conclude in the following manner, viz. "Against the peace of this colony, the government and dignity of the same."

XVI. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

XVII. That the estates of such persons as shall destroy their own lives shall not, for that offence, be forfeited; but shall descend in the same manner as they would have done, had such persons died in a natural way; nor shall any article, which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

XVIII. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

XIX. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-subjects.

XX. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other courts, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly; but that on his being elected and taking his seat, his office or post shall be considered as vacant.

XXI. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

XXII. That the common law of England, as well as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal forever.

XXIII. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly shall previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

"I, A. B. do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New-Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said colony; nor that shall annul or repeal that part of the third section in the charter, of this colony which establishes that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter respecting the trial by jury, nor that shall annul, repeal or alter any part or parts of the 18th or 19th sections of the same."

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress, Burlington, July 2, 1776.

By order of Congress,
SAMUEL TUCKER, President.

Extract from the minutes—
WILLIAM PATTERSON, Secretary.

CONSTITUTION OF THE

Commonwealth of Pennsylvania,

As ratified in Convention, the second day of Sept. 1790

WE, the People of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I—SECTION I.

The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

III. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county, in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this state. No person, residing within any city, town or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person, residing without the limits of any such city, town, or borough, be elected a member therefor.

IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative agreeable to the ratio which shall then be established.

V. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as herein after directed according to the number of taxable inhabitants in each: and shall never be less than one-fourth nor greater than one-third, of the number of representatives.

VII. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district, for which he shall have been chosen; unless he shall have been absent on the publ c business of the United States, or of this state.

IX. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year: of the second class at the expiration of the second year; of the third class at the expiration of the third year; and of the fourth class at the expiration of the fourth year; so that one fourth may be chosen every year.

X. The general assembly shall meet on the first Tuesday of December in every year; unless sooner convened by the governor.

XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker *pro tempore*, when the speaker shall exercise the office of governor.

XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

XIII. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

XIV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journals.

XV. The doors of each house and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

XVI. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

XVII. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases, except treason, felony, and breach or surety of the peace, be free from arrest, during their attendance, at the session of the respective privileged hous s, and in going to and returning from the same. And for any speech or debate in either house they shall not be questioned in any other place.

XVIII. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office except of attorney at law, and in the militia, under the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

XIX. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

XX. All bills, for raising revenue, shall originate in the house of representatives; but the senate may propose amendments as in oth r bills.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated; who shall enter the objections at large upon their journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of that house, it shall be a law. But in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

XXIII. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment) shall be presented to the governor; and, before it shall take effect, be approved by him; or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE II.

I. The supreme executive power of this commonwealth shall be vested in a governor.

II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

III. The governor shall hold his office during three years from the third Tuesday of December, next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

IV. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state, seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

V. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

VI. The governor shall, at stated times, receive, for his services

a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

VII. He shall be commander in chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

VIII. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

X. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

XI. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration, such measures as he shall judge expedient.

XII. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

XIII. He shall take care that the laws be faithfully executed.

XIV. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

XV. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers, relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector—provided that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

III. Electors shall, in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeaching.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

II. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

III. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

V. The judges of the court of common pleas in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations, as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

VI. The supreme court and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this state, and the care of the persons and estates of those, who are *non compos mentis*; and the legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

VIII. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

IX. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace so far as relates to criminal matters.

X. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law; they shall be commissioned during good behavior; but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both houses of the legislature.

XI. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

XII. The style of all process shall be, the commonwealth of Pennsylvania: all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same*.

ARTICLE VI.

I. Sheriffs and coroners, shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

II. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

III. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term, not exceeding five years after the county shall have been erected.

IV. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

V. The state treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers, in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

ARTICLE VII.

I. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

II. The arts and sciences shall be promoted in one or more seminaries of learning.

III. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain, as if the constitution of this state had not been altered or amended.

ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE,

I. That all men are born equally free and independent, and have certain inherent and indefeisible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

II. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of those ends, they have, at all times, an inalienable and indefeisible right, to alter, reform, or abolish their government, in such manner as they may think proper.

III. That all men have a natural and indefeisible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

IV. That no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

V. That elections shall be free and equal.

VI. The trial by jury shall be as heretofore, and the right thereof remain inviolate.

VII. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases.

VIII. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

IX. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his council; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor: and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

X. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor, in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

XI. That all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law direct.

XII. That no power of suspending laws, shall be exercised unless by the legislature, or its authority.

XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

XV. That no commission of oyer and terminer or jail delivery shall be issued.

XVI. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

XVII. That no *ex post facto* law, nor any law impairing contracts, shall be made.

XVIII. That no person shall be attainted of treason or felony by the legislature.

XIX. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons, as shall destroy their own lives, shall descend or vest as in case of natural death: and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

XXI. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

XXII. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

XXIII. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

XXV. That emigration from the state shall not be prohibited.

XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained,—

I. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

II. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next: but no intermediate vacancies in the council shall be supplied by new elections.

III. That all officers, in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the first day of September, one thousand seven hundred and ninety-one—unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation—and no longer, unless reappointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

IV. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

V. That no person, now in commission as sheriff, shall be eligible at the next election, for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

VI. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives, as is now prescribed by law.

VII. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Alleghany shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before-mentioned shall be made, and their presentation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies, which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

VIII. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state-house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court-house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the

counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Alleghany, shall meet in Westmoreland county, at the court-house in the town of Greensborough; the judges of the district composed of the counties of Washington and Fayette, shall meet at the court-house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

IX. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America, the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

James Wilson,	William Reed,
Hilary Baker,	Benjamin Tyson,
William Lewis,	Benjamin Pedan,
Thomas M'Kean,	Matthew Dill,
George Gray,	William Irvine,
William Robinson, junior,	James Power.
Robert Hare,	Joseph Heister,
Enoch Edwards,	Christian Lower,
Samuel Ogden,	Abraham Lincoln,
Thomas Jenks, junior,	Paul Groscop,
John Barclay,	Baltzer Gehr,
Abraham Stout,	Samuel Sitgreaves,
William Gibbons,	John Arndt,
Thomas Bull,	Peter Rhoads,
James Boyd,	Joseph Powell,
Edward Hand,	John Piper,
Robert Coleman,	Charles Smith,
Sebastian Graff,	Simon Snyder,
John Hubley,	William Findley,
John Breckbill,	William Todd,
Henry Miller,	Alexander Addison,
Henry Slagle,	John Hoge,
David Redick,	John Gloninger,
James Ross,	William Brown,
John Smilie,	Alexander Graydon,
Albert Gallatin,	Timothy Pickering,
James M'Lene,	Andrew Henderson,
George Matthews,	John Gibson,
James Morris,	Thomas Beale,
Lindsey Coats,	John Sellers,
Jonathan Shoemaker,	Nathaniel Newlin.

Attest—JOSEPH REDMAN, *Secretary.*

JACOB SHALLUL, *Assistant Secretary.*

CONSTITUTION

OF THE STATE OF DELAWARE.

We, the people, hereby ordain and establish this constitution of government for the state of Delaware.

Through divine goodness, all men have by nature, the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness: and they may, for this end, as circumstances require from time to time, alter their constitution of government.

ARTICLE I.

Sec. 1. Although it is the duty of all men frequently to assemble together for the public worship of the Author of the universe, and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Sec. 2. No religious test shall be required as a qualification to any office, or public trust, under this state.

Sec. 3. All elections shall be free and equal.

Sec. 4. Trial by jury shall be as heretofore.

Sec. 5. The press shall be free to every citizen, who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury may determine the facts and the law, as in other cases.

Sec. 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as particularly as may be; nor then, unless there be probable cause, supported by oath or affirmation.

Sec. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends, or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself; nor shall be deprived of life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sect. 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without compensation being made.

Sec. 9. All courts shall be open; and every man for an injury done him in his reputation, person, moveable or immoveable possessions, shall have remedy by due course of law, and justice administered according to the very right of the cause, and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried, shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the state, according to such regulations as shall be made by law.

Sec. 10. No power of suspending laws shall be exercised, but by authority of the legislature.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the constructions of goals, a proper regard shall be had to the health of prisoners.

Sec. 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on accusation for such offences, their friends and counsel may at proper seasons have access to them.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it.

Sec. 14. No commission of oyer and terminer or gaol delivery shall be issued.

Sec. 15. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident, no forfeiture shall be thereby incurred.

Sec. 16. Although disobedience to the laws by a part of the people, upon suggestions of impolicy or injustice in them, tends, by immediate effect and the influence of example, not only to endanger the public welfare and safety, but also in governments of a republican form, contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right, in an orderly manner, to meet together, and to apply to persons entrusted with the powers of government, for redress of grievances, or other proper purposes, by petition, remonstrance, or address.

Sec. 17. No standing army shall be kept up without the consent of the legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Sec. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in a manner to be prescribed by law.

Sec. 19. No hereditary distinction shall be granted; nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this state shall accept of any office, or title of any kind whatever, from any king, prince, or foreign state.

We declare that every thing in this article is reserved out of the general powers of government hereinafter mentioned.

ARTICLE II.

Sec. 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Sec. 2. The representatives shall be chosen annually by the citizens residing in the several counties respectively, on the first Tuesday of October.

No person shall be a representative who shall not have attained to the age of twenty-four years, and have a freehold in the county in which he shall be chosen, have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this state.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

Sec. 3. The senators shall be chosen for three years by the citizens residing in the several counties respectively, having right to vote for representatives, at the same time when they shall vote for representatives, in the same manner, and at the same places.

No person shall be a senator who shall not have attained to the age of twenty-seven years, and have in the county, in which he shall be chosen, a freehold estate in two hundred acres of land or an estate in real and personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the state three years next preceeding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this state.

There shall be three senators chosen in each county. When a greater number of senators shall, by the general assembly, be judged necessary, two thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one half, nor less than one third of the number of representatives.

Immediately after the senators shall be assembled in consequence of the first election, the senators residing in each county shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

Sec. 4. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Sec. 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Sec. 6. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Sec. 7. Each house may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two-thirds, expel a member; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 8. Each house shall keep a journal of its proceedings, and publish them immediately after every session, except such parts as may require secrecy; and the yeas and nays of the members on any question, shall, at the desire of any member, be entered on the journal.

Sec. 9. The doors of each house, and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 10. Neither house shall, without the consent of the other, adjourn more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 11. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; but no law, varying the compensation, shall take effect till an election of representatives shall have intervened. They shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time. No person concerned in any army or navy contract, no member of congress, nor any person holding any office under this state, or the United States, except the attorney-general, officers usually appointed by the courts of justice respectively, attornies at law, and officers in the militia, holding no disqualifying office, shall during his continuance in congress or in office, be a senator or representative.

Sec. 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided for by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened.

Sec. 14. All bills for raising revenue shall originate in the house of representatives; but the senate may propose alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidently arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

Sec. 15. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

ARTICLE III.

Sec. 1. The supreme executive powers of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen on the first Tuesday of October, by the citizens of the state having right to vote for representatives, in the counties where they respectively reside, at the places where they shall vote for representatives.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or in case of his death, to the speaker of the house of representatives, who shall keep the same until a speaker of the senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be governor; but, if two or more shall be equal in the highest number of votes, the members of the two houses shall by joint ballot, choose one of them to be governor; and if upon such ballot, two or more of them shall still be equal and highest in votes, the speaker of the senate shall have an additional casting vote.

Contested elections of a governor shall be determined by a joint committee, consisting of one third of all the members of each branch of the legislature, to be selected by ballot of the houses respectively: Every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

Sec. 3. The governor shall hold his office during three years from the third Tuesday of January next ensuing his election; and shall not be capable of holding it longer than three in any term of six years.

Sec. 4. He shall be at least thirty-six years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this state, unless he shall have been absent on the public business of the United States or of this state.

Sec. 5. No member of congress, nor person holding any office under the United States or this state, shall exercise the office of governor.

Sec. 6. The governor shall at stated times receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. 7. He shall be commander in chief of the army and navy of this state, and of the militia; except, when they shall be called into the service of the United States.

Sec. 8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within a county who shall not have a right to vote for representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No member of congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court, prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office, under this state, with a salary by law annexed to it, or any other office which the legislature shall declare incompatible with offices or appointments under the U. States. No person shall hold more than one of the following offices at the same time, to wit: treasurer, attorney-general, clerk of the supreme court, prothonotary, register, or sheriff. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the governor.

Sec. 9. He shall have power to remit fines and forfeitures; and to grant reprieves and pardons, except in cases of impeachment.

Sec. 10. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall from time to time give to the general assembly information of affairs concerning the state; and recommend to their consideration such measures as he shall judge expedient.

Sec. 12. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

Sec. 13. He shall take care that the laws be faithfully executed.

Sec. 14. On the death or resignation of the governor, or his removal from office on impeachment, or for inability, the speaker of the senate at that time shall exercise the office of governor until a new governor shall be duly qualified; and on the death or resignation of the speaker of the senate, the speaker of the house of representatives at that time shall exercise the office, until it be regularly vested in a new governor. If the trial of a contested election shall continue longer than the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two thirds of all the members of each branch of the legislature.

Sec. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor; and shall when required by either branch of the legislature, lay the same and all papers, minutes, and vouchers relative thereto, before them; and shall perform such other duties as shall be enjoined him by law. He shall have a compensation for his services to be fixed by law.

ARTICLE IV.

Sec. 1. All elections of governor, senators, and representatives shall be by ballot; and in such elections every white freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of twenty-one and twenty-two years, be entitled to vote, although they shall not have paid taxes.

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE V.

Sec. 1. The house of representatives shall have the sole power of impeaching; but two thirds of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two thirds of all the senators.

Sec. 2. The governor and all other civil officers under this state shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this state; but the party convicted shall nevertheless be subject to indictment, trial, judgments and punishment according to law.

Sec. 3. Treason against this state shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treasons unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VI.

Sec. 1. The judicial power of this state shall be vested in a court of chancery, a supreme court, and courts of oyer and terminer and general gaol delivery, in a court of common pleas, and in an orphan's court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature, two thirds of all the members of each branch concurring, may, from time to time, establish.

Sec. 2. The chancellor and the judges of the supreme court and of the court of common pleas shall hold their offices during good behavior; but for any reasonable cause which shall not be a sufficient ground for an impeachment, the governor may, in his discretion, remove any of them, on the address of two thirds of all the members of each branch of the legislature. They shall, at stated times, receive for their services adequate salaries, to be fixed by law, which shall not be diminished during their continuance in office, and shall be payable quarterly to their respective orders upon the treasurer, out of any monies in the treasury; but they shall hold no other office of profit, nor receive any fees or perquisites, except such fees as shall be fixed by law for business to be done out of court.

Sec. 3. The judges of the supreme court shall be not fewer than three, nor more than four, one of whom shall be the chief justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the state. The judges shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery in the several counties. Any two of the judges may act as if all were present.

Sec. 4. The judges of the court of common pleas shall be not fewer than three, nor more than four, one of whom shall be chief justice. There shall be a judge residing in each county. The jurisdiction of court shall extend over the state. Any two of the judges may act as if all were present.

Sec. 5. The chancellor, or any judge of the supreme court, or of the court of common pleas, shall issue the writ of habeas corpus in vacation time and out of term, when duly applied for, which shall be immediately obeyed.

Sec. 6. Any judge of the supreme court, or of the court of common pleas may, unless the legislature shall otherwise provide by law, out of court, take the acknowledgement of deeds; and the same being thereon certified under his hand, such deed shall be recorded and have the same effect as if acknowledged in open court.

Sec. 7. In civil causes, when pending, the supreme court and court of common pleas shall have the power, before judgment, of directing, upon such terms as they shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the state, upon interrogatories *de bene esse*, to be read in evidence in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the state.

Sec. 8. Suits may originate in the supreme court or court of common pleas.

Sec. 9. One judge of the supreme court or of the court of common pleas may, if the other judges come not, open and adjourn the court, and may also make the necessary rules preparatory respectively to the trial or argument of causes.

Sec. 10. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same and the costs then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if, upon the final decision of the cause, the plaintiff shall not recover a greater sum than that paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Sec. 11. By the death of any party to suit in chancery or at law, where the cause of action survives, shall abate; but, until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator, being duly served with a scire facias thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the courts, upon motion, shall grant such a continuance of the cause as to judges shall appear proper.

Sec. 12. Whenever a person, not being an executor or administrator, appeals from the decree of the chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Sec. 13. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof, unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then, within five years exclusive of the time of such disability.

Sec. 14. The equity of jurisdiction heretofore exercised by the judges of the court of common pleas, shall be separated from the common law jurisdiction, and vested in a chancellor, who shall hold courts of chancery in the several counties of this state. In cases of equity jurisdiction, where the chancellor is interested, the cognizance thereof shall belong to the court of common pleas, with an appeal to the high court of errors and appeals.

Sec. 15. The judges of the court of common pleas, or any two of them, shall compose the orphans' court of each county, and may exercise the equity jurisdiction heretofore exercised by the orphans' court, except to the adjusting and settling executors, administrators, and guardians' accounts; in which cases they shall have an appellate jurisdiction from the sentence or decree of the register.—This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Sec. 16. An executor, administrator, or guardian, shall file every account with the register for the county, who shall as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor, administrator, or guardian, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled, shall remain in his office for inspection; and the executor, administrator, or guardian shall, within three months after such settlement, give due notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the state, that the account is lodged in the said office for inspection; and the judges of the orphans' court shall hear the exceptions of any persons concerned, if any be made, and thereupon allow no demand whatever against the estate of the deceased, unless upon consideration of all circumstances, they shall be fully convinced that the same is therewith justly chargeable.

Sec. 17. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause.—This court may issue process, throughout the state, to compel the attendance of witnesses. Appeals may be made from a register's court to the supreme court, whose decision shall be final. In cases where a register is interested in questions concerning the probate of wills, the granting letters of administration, or executors, administrators, or guardians accounts, the cognizance thereof shall belong to the orphans' court, with an appeal to the supreme court those decisions shall be final.

Sec. 18. The prothonotaries of the court of common pleas may issue process as heretofore, take recognizances of bail, and sign confessions of judgment; and the clerks of the supreme court shall have the like powers. No judgment in the supreme court or court of common pleas held for one county, shall bind lands or tenements in another, until a testatum, fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

Sec. 19. The judges of the court of common pleas shall, by virtue of their offices, compose the courts of general quarter sessions of the peace, and gaol delivery, within the several counties. Any two of the said judges shall be a quorum.

Sec. 20. The governor shall appoint a competent number of persons to the office of justice of the peace, not exceeding twelve in each county, until two-thirds of both houses of the legislature shall by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well: but may be removed by the governor within that time on conviction of misbehavior in office, or on the address of both houses of the legislature.

Sec. 21. The style in all process and public acts, shall be, THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the state, and shall conclude *against the peace and dignity of the state.*

ARTICLE VII.

Sec. 1. There shall be a court styled *The high court of errors and appeals*, which shall consist of the chancellor and of the judges of the supreme court, and court of common pleas. Any four of the judges of this court may proceed on business; but any smaller number may open and adjourn the court. If any of them has rendered judgment or passed a decree in any cause before removal, he shall not sit judicially upon the hearing of the same in this court, but may assign the reasons upon which such judgment was rendered or such decree passed. The chancellor shall preside, except when he cannot sit judicially; and in such cases, or his absence, the chief justice of the supreme court; but if he is so disqualified or absent, then the chief justice of the court of com-

men pleas shall preside; and if he is so disqualified or absent, then the next eldest judge according to priority in date of commissions, if present, and not disqualified as aforesaid, shall preside. This court shall have power to issue writs of error to the supreme court, and to the court of common pleas, and to receive and determine appeals from interlocutory or final orders or decrees of the chancellor. Errors shall be assigned, and causes of appeal exhibited in writing speedily, and citations duly served on adverse parties.

Sec. 2. Upon the reversal of a judgment of the supreme court, or of the court of common pleas, or a decree of the chancellor, this court shall respectively render such judgment, or pass such decree, as the supreme court or the court of common pleas, or the chancellor ought to have rendered or passed, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damages to be assessed, or the matters to be decreed, are uncertain: In any of which cases the causes shall be remanded, in order to a final decision.

Sec. 3. The judges of this court may issue all process proper for bringing records fully before them, and for carrying their determinations into execution.

ARTICLE VIII.

Sec. 1. The members of the senate and house of representatives, the chancellor, the judges of the supreme court, and the court of common pleas, and the attorney general, shall, by virtue of their offices, be conservators of the peace throughout the state: and the treasurer, secretary, clerks of the supreme court, prothonotaries, registers, recorders, sheriffs, and coroners, shall, by virtue of their offices, be conservators thereof, within the counties respectively, in which they reside.

Sec. 2. The representative, and when there shall be more than one, the representatives, of the people of this state in congress, shall be voted for at the same places where representatives in the state legislature are voted for, and in the same manner.

Sec. 3. The state treasurer shall be appointed annually by the house of representatives, with the concurrence of the senate. No person, who hath served in the office of state treasurer, shall be eligible to a seat in either house of the legislature until he shall have made a final settlement of his accounts as treasurer, and discharged the balance, if any thereon due.

Sec. 4. Two persons for the office of sheriff, and two for the office of coroner, shall be chosen by the citizens residing in each county, and having right to vote for representatives, at the time and places of election of representatives, one of whom for each office, respectively, shall be appointed by the governor. They shall hold their offices for three years, if so long they shall behave themselves well, and until successors be duly qualified; but no person shall be twice appointed sheriff, upon election by the citizens, in any term of six years. The governor shall fill vacancies in these offices by new appointments to continue unto the next general election, and until successors shall be chosen and duly qualified. The legislature, two-thirds of each branch concurring, may, when it shall be judged expedient, vest the appointment of sheriffs and coroners in the governor; but no person shall be twice appointed sheriff in any term of six years.

Sec. 5. The attorney general, clerks of the supreme court, prothonotaries, registers, clerks of the orphans' courts and of the peace, shall respectively be commissioned for five years, if so long they shall behave themselves well; but may be removed by the governor within that time, on conviction of misbehavior in office, or on the address of both houses of the legislature. Prothonotaries, clerks of the supreme court, of the orphans' courts, registers, recorders, and sheriffs, shall keep their offices in the town or place in in each county, in which the supreme court and the court of common pleas are usually held.

Sec. 6. Attornies at law, all inferior officers in the treasury department, election officers, officers relating to taxes, to the poor and to the highways, constables and hundred officers, shall be appointed in such manner as is or may be directed by law.

Sec. 7. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever, without giving to the person who pays, a receipt for them, if required, therein specifying every particular, and the charge for it.

Sec. 8. No costs shall be paid by a person acquised, on a bill being returned ignoramus; nor on acquittal by a jury, unless a majority of the judges present at the trial, certify, that there was probable cause for the prosecution.

Sec. 9. The rights, privileges, immunities and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered. No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this state, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

Sec. 10. All the laws of this state existing at the time of making this constitution, and not inconsistent with it, shall remain in force, unless they shall be altered by future laws; and all actions and prosecutions now pending, shall proceed as if this constitution had not been made.

Sec. 11. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

Sec. 12. The legislature shall, as soon as conveniently may be, provide by law, for ascertaining what statutes, and parts of statutes, shall continue to be in force within this state; for reducing them, and all acts of the general assembly into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same, in such manner, as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be without spoiling the whole, and for advertising and making the sales in such manner, and at such times and places, as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

ARTICLE IX.

Members of the general assembly, and all officers executive and judicial, shall be bound by oath or affirmation, to support the constitution of this state, and to perform the duties of their respective offices with fidelity.

ARTICLE X.

The general assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the governor, propose amendments to this constitution, and at least three, and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three fourths of each branch of the legislature shall after such an election, and before another, ratify the same amendments, they shall be valid to all intents and purposes, as parts of this constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a general election of representatives, to vote also by ballot *for* or *against* a convention, as they shall severally choose to do; and if thereupon, it shall appear that a majority of all the citizens in the state having right to vote for representatives, have voted for a convention, the general assembly shall accordingly at their next sessions, call a convention, to consist at least of as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are, by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected.

SCHEDULE.

That no inconveniences may arise from the alterations of the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That the president, or in case of his death, inability, or absence from the state, the speaker of the legislative council at that time, and in case of his death, inability, or absence from the state, the speaker of the house of assembly, at that time, shall respectively, with the privy council, exercise the executive authority of this state, until the third Tuesday in January next. If the death, inability, or absence of the president, shall happen after the first Tuesday of next October, and before the first Tuesday in next January, then the executive authority shall devolve upon the person who was speaker of the council at the next preceding session of the general assembly; and in case of his death, inability or absence, upon the person who was speaker of the house of assembly at the said next preceding session.

Sec. 2. That all persons holding offices to which under this constitution, appointments are to be made by the governor, shall continue in the exercise of the duties of their respective offices, until the first Tuesday of October, one thousand seven hundred and ninety-three, unless their commissions shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor.

Sec. 3. That justice shall be administered in the several counties of this state, until the period last mentioned, by the same justices, in the same courts, and in the same manner, as heretofore.

Sec. 4. That the sheriffs elected at October next shall hold their respective commissions two years, and no longer, from that time, or until new sheriffs are elected and appointed; and such persons shall not be again eligible until the expiration of three years after their commissions cease.

Sec. 5. That the elections of governor, senators, and representatives, shall be conducted by the same persons, and in the same manner, as is prescribed by the election laws of this state, concerning the election of members of the council and of the house of assembly; and the returns thereof shall be made respectively to the person exercising the executive authority, to the senate and to the house of representatives.

Sec. 6. The first meeting of the legislature under this constitution shall be at the town of Dover.

Done in convention, the twelfth day of June, in the year of our Lord one thousand seven hundred and ninety-two, and of the independence of the United States of America, the sixteenth. In testimony whereof, we have hereunto subscribed our names.

THOMAS MONTGOMERY, *President.*

John Dickinson,	George Monroe
Robert Armstrong,	James Morris,
Edward Roche,	Richard Bassett,
William Johnson,	Benjamin Dill,
Robert Haughey,	Henry Molliston,
Andrew Barratt,	Manlove Emerson,
Isaac Cooper,	George Mitchell,
Robert Coram,	John W. Batson,
Kensey Johns,	Rhoads Shankland,
Nicholas Ridgely,	Isaac Beauchamp,
John Clayton,	Daniel Polk.
Thomas White,	
(Attest)	JAMES BOOTH, *Secretary.*

AMENDMENT.

The following section was adopted, on the 22d of January, and 5th of February, 1802, in lieu of the 15th section of the 6th article of the constitution:

Sec. 15. The chancellor shall compose the orphans' court of each

county, and exercise the equity jurisdiction heretofore exercised by the orphans' court, except as to the adjusting and settling executors, administrators and guardians accounts, in which cases he shall have an appellate jurisdiction from the sentence and decree of the register: This court may issue process throughout the state to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Constitution of Maryland.

[*Note.*—Such parts of the original Constitution, or the Amendments thereto, as have been altered or abolished, are printed in *italics.*]

A Declaration of Rights and the Constitution and form of Government, agreed to by the Delegates of Maryland in free and full convention assembled.

The parliament of Great Britain by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance of such claim, endeavored, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people;—Therefore, we the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration, the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights—subject, nevertheless, to the revision of, and amendment or repeal by the legislature of this state: and the inhabitants of Maryland are also entitled to all property, derived to them from or under the charter granted by his majesty Charles I. to Cæcelius Calvert, baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and the public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

V. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

VI. That the legislative, executive, and judicial powers of government, ought to be forever separate and distinct from each other.

VII. That no power of suspending laws, or the execution of laws, unless by, or derived from the legislature, ought to be exercised or allowed.

VIII. That freedom of speech and debate, or proceedings in the legislature, ought not be impeached in any other court of judicature.

IX. That a place of the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

X. That, for redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.

XI. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, fee, or fees, ought to be set, rated, or levied under any pretence, without consent of the legislature.

XIII. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished: that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes for the support of government, according to his actual worth, in real or personal property within the state; yet fines, duties or taxes, may properly and justly be imposed and laid, with a political view, for the good government and benefit of the community.

XIV. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.

XV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XVI. That no law, to attaint particular persons of treason or felony, ought to made in any case, or at any time hereafter.

XVII. That every freeman, for any injury done him in his person or property ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

XVIII. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

XIX. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent, he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence against himself, in a common court of law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

XXI. That no freeman ought to be taken, or imprisoned, or dissezed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

XXIII. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants, to search suspected places or to apprehend suspected persons, without naming or describing the place or the person in special—are illegal and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the state, and then only on conviction and attainder.

XXXV. That a well regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

XXVII. That in all cases and at all times, the militia ought to be under strict subordination to, and control of the civil power.

XXVIII. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war in such manner only, as the legislature shall direct.

XXIX. That no person, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service ought in any case to be subject to or punishable by martial law.

XXX. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the chancellor *and judges* ought to hold commissions during good behavior; and the said chancellor *and judges* shall be removed for misbehavior, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly; provided that two-thirds of all the members of each house concur in such address. That salaries, liberal but not profuse, ought to be secured to the chancellor *and the judges* during the continuance of their commissions, in such manner, and at such times, as the legislature, shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

XXXI. That a long continuance in the first executive department of power, or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

XXXII. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust, to receive any present from any foreign state, or from the U. States, or any of them, without the approbation of this state.

XXXIII. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under color of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights: nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; *yet the legislature may, in their discretion, lay a general and equal tax, for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county:* but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England forever. And all acts of assembly lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church wardens;

and every encumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act entitled "An act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

XXXIV. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit, and also every devise of goods or chattels to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void, except always any sale, gift, lease, or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

XXXVI. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being; and that the people called Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of Quakers hath been allowed and accepted within the state instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded; and Quakers, Tunkers, or Menonists, ought also, on their solemn affirmation aforesaid, to be admitted as witnesses in all criminal cases *not capital*.

XXXVII. That the city of Annapolis ought to have all its rights, privileges, and benefits agreeable to its charter and the acts of assembly confirming and regulating the same, subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

XXXVIII. That the liberty of the press ought to be inviolably preserved.

XXXIX. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

XL. That no title of nobility or hereditary honors ought to be granted in this state.

XLI. That the subsisting resolves of this and the several conventions held for this colony, ought to be in force as laws, unless altered by this convention or the legislature of this state.

XLII. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished by the legislature of this state, but in such manner as this convention shall prescribe and direct.

This declaration of rights was assented to and passed in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

MAT. TILGHMAN, President.

THE CONSTITUTION AND FORM OF GOVERNMENT.

I. That the legislature consist of two distinct branches, a senate and house of delegates, which shall be styled, The General Assembly of Maryland.

II. That the house of delegates shall be chosen in the following manner: All freemen *above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so* qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, *at the court-house in the said counties, or at such other place as the legislature shall direct;* and when assembled, they shall proceed to elect, *viva voce*, four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, *and having in the state real or personal property above the value of five hundred pounds current money;* and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective county.

III. *That the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.*

IV. That all persons, qualified by the charter of the city of Annapolis, to vote for burgesses, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect, *viva voce*, by a majority of votes, two delegates, qualified agreeable to the said charter; *that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid; and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.*

V. That *all persons, inhabitants of* Baltimore town *and having the same qualifications as electors in the county*, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, *at such place in the said town, as the judges shall appoint*, elect *viva voce*, by a majority of votes, two delegates, *qualified as aforesaid;* but if the said inhabitants of the town shall so decrease, as that the number of persons, having right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.

VI. That *the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but* the inhabitants of the said town shall not be entitled to vote for, or be elected delegates for Baltimore county: neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.

VII. That on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or member of the council, a warrant of election shall issue by the speaker, for the election of another in his place; of which ten days notice, at the least (excluding the day of notice and the day of election) shall be given.

VIII. That not less than a majority of the delegates, with their speaker (to be chosen by them by ballot) constitute a house for the transaction of any business, other than that of adjourning.

IX. That the house of delegates shall judge of the elections and qualifications of delegates.

X. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person, for any crime, to the public jail, there to remain till he be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their enquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

XI. That the senate may be at full and perfect liberty to exercise their judgment in passing laws; and that they may not be compelled by the house of delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment, injurious to the public welfare—the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies to be raised for the support of government, or the current expences of the state; and to prevent altercation about such bills, it is declared, that no bill, imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying or applying taxes or supplies for the support of government or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.

XII. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt, in their view by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to, or from the house, or by rescuing any person committed by the house: and the senate may exercise the same power, in similar cases.

XIII. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and in case of refusal, death, resignation, disqualification, or removal out of the state, of any of the said commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

XIV. That the senate be chosen in the following manner: all persons, qualified *as aforesaid*, to vote for county delegates, shall

on the first Monday of September 1781, and on the same day in every fifth year, forever thereafter, elect, *viva voce*, by a majority of votes, two persons for their respective counties (qualified *as aforesaid*, to be elected county delegates) to be electors of the senate: *and the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required to attend, for the preservation of peace) shall hold and be judge of the said election, and make return thereof, as aforesaid.* And all persons qualified *as aforesaid*, to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, one person for the said city and town respectively, qualified *as aforesaid*, to be elected a delegate for the said city and town respectively: the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect delegates for the said town.

XV. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every fifth year forever thereafter, and they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators (nine of whom to be residents on the western, and six to be residents on the eastern shore) men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, *and having the clear real and personal property, above the value of one thousand pounds current money.*

XVI. That the senators shall be ballotted for, at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and out of the gentlemen, residents of the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and if two or more on the same shore, shall have an equal number of ballots, in their favor, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have had an equal number, and they who shall have the greatest number in their favor on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favor of two or more persons, then the election shall be determined by lot between those who have equal numbers: which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

XVII. That the electors of senators shall judge of the qualifications and elections of members of their body; and on a contested election, shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favor.

XVIII. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect without favor, affection, partiality, or prejudice, such persons for senators, as they in their judgment and conscience believe best qualified for the office."

XIX. That in case of refusal, death, resignation, disqualification, or removal out of this state of any senator, or on his becoming governor, or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot, (in the same manner as the electors are above directed to choose senators) another person in his place, for the residue of the said term of five years.

XX. That not less than a majority of the senate, with their president, (to be chosen by them by ballot,) shall constitute a house for the transacting any business, other than that of adjourning.

XXI. That the senate shall judge of the elections and qualification of senators.

XXII. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given: and may receive any other bills from the house of delegates, and assent, dissent, or propose amendments.

XXIII. That the general assembly meet annually *on the first Monday of November*, and, if necessary, oftener.

XXIV. That each house shall appoint its own officers, and settle its own rules of proceeding.

XXV. That a person of wisdom, experience and virtue shall be chosen governor, *on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year forever thereafter*, by the joint ballot of both houses (to be taken in each house, respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses, shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favor, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who, on the first ballot, shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act (sitting the general assembly,) the senate and house of delegates shall, immediately thereupon, proceed to a new choice, in manner aforesaid.

XXVI. That the senators and delegates, *on the second Tuesday of November, seventeen hundred and seventy-seven, and annually on the second Tuesday of November, forever thereafter*, elect by joint ballot (in the same manner, as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, *and having therein a freehold of lands and tenements, above the value of one thousand pounds current money*, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate or house of delegates, when called for by them or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters, as he shall be directed by the board to keep secret.

XXVII. *That the delegates to congress, from this state, shall be chosen annually, or superceded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation in such manner, that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years; and no person, who holds any office of profit in the gift of congress, shall be eligible to sit in congress: but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in congress.*

XXVIII. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such—shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath "to elect without favor, affection, partiality, or prejudice, such person as governor, or member of the council, as they in their judgment and conscience, believe best qualified for the office."

XXIX. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between; and the assembly shall then meet and be held accordingly: and he shall, if necessary, by advice of the council, call them before the time, to which they shall in any manner be adjourned, on giving not less than ten days notice thereof: but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue or dissolve it at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election —*and having in the state real and personal property, above the value of five thousand pounds current money (one thousand pounds whereof, at least, to be of freehold estate)* shall be eligible as governor.

XXXI. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor, until the expiration of four years, after he shall have been out of that office.

XXXII. That upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than fourteen days notice of the meeting, at which meeting, a governor shal be appointed, in manner aforesaid, for the residue of the year.

XXXIII. That the governor, by and with the advice and consent of the council, may embody the militia; and when embodied, shall alone have the direction thereof; and shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof;) and may alone exercise an other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct: *and may, during the recess of the general assembly, lay embargoes, to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year—summoning the general assembly to meet within the time of the continuance of such embargo;* and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great Britain.

XXXIV. That the members of the council, or any three or more of them, when convened, shall constitute a board, for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote, on all questions, in which they shall be divided in opinion: and in the absence of the governor, the first named of the council shall preside; and, as such, shall also vote in all cases, where the other members disagree in their opinion.

XXXV. That, in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect by ballot, another person (qualified *as aforesaid*) in his place, for the residue of the year.

XXXVI. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public writ[illegible]als, as has been heretofore practised in this state.

XXXVII. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time, for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such—and no person, holding a place of profit, or receiving any part of the profits thereof, or receiving the profits arising on any agency, for the supply of clothing or provisions for the army or navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or, any person employed in the regular land service, or marine of this, or the United States—shall have a seat in the general assembly, or in the council of this state.

XXXVIII. That every governor, senator, delegate to *congress, or* assembly, and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indirectly, at any time, any part of the profits of any office, held by any other person, during his acting in his office of governor, senator, delegate to *congress or* assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of clothing or provisions for the army or navy."

XXXIX. That if any senator, delegate to *congress or* assembly, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to *congress or* assembly, or member of the council—his seat (on conviction, in a court of law, by the oath of two credible witnesses) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

XL. That the chancellor, *all judges*, the attorney-general, *clerks of the general court*, the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

XLI. That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates; and that upon the death, resignation, disqualification, or removal out of the county, by any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission, a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

XLII. That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor, for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year as usual; and no sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office, for the residue of the said three years, the said person giving bond with security as aforesaid; and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, may nominate and commission a fit and proper person, to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place, appointed for the election of delegates; *and the justices there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen, above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot, one whole year next preceding the election—shall have a right of suffrage.* No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, *and having real and personal property in the state, above the value of one thousand pounds current money.* The justices *aforesaid*, shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

XLIII. That every person, who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention, or the legislature shall direct.

XLIV. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

XLV. *That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.*

XLVI. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively, for which they shall be appointed, six months next before their appointment; and shall continue residents of their county, respectively, during their continuance in office.

XLVII. That the judges of *the general court and justices of* the county courts, may appoint the clerks of their respective courts; *and in case of refusal, death, resignation, disqualification or removal out of the state, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court*—and in case of refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court, of which he is clerk—the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next *general court, or* county court, as the case may be.

XLVIII. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, *naval officer*, officers in the regular land and sea service, officers of the militia, registers of the land-office, surveyors, and all other civil officers of government (assessors, constables, and overseers of the roads only excepted) and may also suspend or remove any civil officer, who has not a commission, during good behaviour; and may suspend any militia officer for one month; and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court martial.

XLIX. That all civil officers of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually *in the third week of November*. But if any of them shall be re-appointed, they may continue to act without any new commission or qualification; and every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned in his stead, shall be qualified.

L. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath "that he will not through favor, affection, or partiality, vote for any person to office, and that he will vote for such person, as in his judgment and conscience, he believes most fit and best qualified for the office: and that he has not made, nor will make, any promise or engagement, to give his vote or interest in favor of any person."

LI. That there be two registers of the land office, one upon the western, and one upon the eastern shore, that short extracts of the grants and certificates of the land, on the western and eastern shores, respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in such manner, as shall hereafter be provided by the general assembly.

LII. That every chancellor, judge, register of wills, commissioner of the loan office, attorney-general, sheriff, treasurer, *naval officer*, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of the public accounts, before he acts as such, shall take an oath, "that he will not directly or indirectly receive any fee or reward for doing his office of but what is, or shall be allowed by law: nor will, directly or indirectly receive the profits or any part of the profits of any office, held by any other person: and that he does not hold the same office in trust, or for the benefit of any other person."

LIII. That if any governor, chancellor, judge, register of wills, attorney-general, register of the land office, commissioners of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, *naval officer*, sheriff, surveyor, or auditor of public accounts, shall receive directly or indirectly at any time, the profits or any part of the profits of any office, held by any other person, during his acting in the office to which he is appointed, his election, appointment and commission (on conviction in a court of law, by the oath of two credible witnesses) shall be void, and he shall suffer the punishment for wilful and corrupt perjury or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

LIV. That if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to *congress, or* assembly, member of the council or judge, or to be appointed to any one of the said offices, or to any office of profit or trust, now created, or hereafter to be created in this state—the person giving, and the person receiving the same (on conviction in a court of law) shall be forever disqualified to hold any office of trust or profit in this state.

LV. That every person, appointed to any office of profit or trust, shall before he enters on the execution thereof, take the following oath, to wit, "I, A. B. do swear. That I do not hold myself bound in allegiance to the king of Great Britain, and that I will be faithful, and bear true allegiance to the state of Maryland," and shall also subscribe a declaration of his belief in the Christian religion.

LVI. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive, in all cases of appeal *from the general court of chancery, and court of admiralty; that* one person of integrity and sound judgment in the law, be appointed chancellor; *that three persons of integrity and sound judgment in the law, be appointed judges of the court now called the provincial court: and that the same court be hereafter called and known by the name of the general court: which court shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places, as the future legislature of this state shall direct and ordain.*

LVII. That the style of all laws run thus: "Be it enacted by the general assembly of Maryland." That all public commissions and grants run thus: "The state of Maryland," &c. and shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military and militia commissions, which shall not be attested by the chancellor, or have the seal of the state annexed; that all writs shall run in the same style, and be tested, sealed, and signed as usual. That all indictments shall conclude, "against the peace, government and dignity of the state."

LVIII. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such as the general assembly may abolish or otherwise provide for.

LIX. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; provided, that nothing in this form of government, which relates to the eastern shore, particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two thirds of all the members of each branch of the general assembly shall concur.

LX. That every bill, passed by the general assembly, when engrossed, shall be presented by the speaker of the house of delegates, in the senate, to the governor for the time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded *in the general court office of the western shore*, and in due time printed, published, and certified under the great seal to the several county courts, in the same manner as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

M. TILGHMAN, President.

AMENDMENTS

TO THE CONSTITUTION OF MARYLAND.

I. Be it enacted by the general assembly of Maryland, *That all those parts of the constitution and form of government that prevent a citizen, conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the legislature, or from being an elector of the senate, without taking an oath of support to this government, shall be, and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government, may be taken, and shall be received instead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.*—Passed November, 1788, ch. 42—confirmed 1789, ch. 1.

II. That no member of congress, or person holding an office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this state; and if any member of the general assembly, elector of the senate, or person holding an office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or being elected to congress, or appointed to an office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election, or appointment to office as aforesaid, his seat in the legislature of this state, or as elector of the senate, or of his office held under this state as aforesaid, shall be void; Provided, that no person who is now, or may be at any time when this act becomes part of the constitution, a member both of congress and of the legislature of this state, or who now holds, or may hold at the time when this act becomes part of the constitution, an office as aforesaid, both under this state and the United States, shall be affected by this act, if within fifteen days after the same shall become part of the constitution, he shall resign his seat in congress, or his office held under the United States.—Passed 1791, ch. 80—confirmed 1792, ch. 22.

III. That every person being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or new Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation, instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this state now in force, or that hereafter may be made, such person may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act who are not conscientiously scrupulous of taking such oaths—Passed 1794, ch. 49, confirmed 1795, ch. 11.

IV. *That the mayor and second branch of the city council of the city of Baltimore, or any three or more of them, for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for elector of the senate, and shall have and exercise all the rights and authorities respecting such elections which were vested in the commissioners of Baltimore-town, in virtue of the [illegible] and form of government.*—Passed 1797, ch. 57—confirmed 1798, ch. 2.

V. That the people called Quakers, the [illegible] Nicolites or new Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any [illegible] shall be allowed to make their solemn affirmation as [illegible] the manner that Quakers have been heretofore all[illegible] affirmation, which affirmation shall be of the same avail as [illegible] intents and purposes whatever.

2. Before any of the persons afore[illegible] admitted as a witness in any court of justice in this st[illegible] shall be satisfied, by such testimony as they may requ[illegible] such person is one of those who profess to be conscientiously scrupulous of taking an oath.—Passed 1797, ch. 118—confirmed 1798, ch. 83.

VI. That the several counties of this state, for the purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts in the manner hereinafter directed, viz. Saint Mary's county, shall be divided and laid off into *three* separate districts; Kent county shall be divided and laid off into three separate districts; Calvert county shall be divided and laid off into three separate districts; Charles county shall be divided and laid off into four separate districts; Talbot county shall be divided and laid off into four separate districts; Somerset county shall be divided and laid off into three separate districts; Dorchester county shall be divided and laid off into three separate districts; Cecil county shall be divided and laid off into four separate districts; Prince George's county shall be divided and laid off into five separate districts; Queen Anne's county shall be divided and laid off into three separate districts; Worcester county shall be divided and laid off into five separate districts; Frederick county shall be divided and laid off into *seven* separate districts; Harford county shall be divided and laid off into five separate districts; Caroline county shall be divided and laid off into three separate districts; Washington county shall be divided and laid off into five separate districts; Montgomery county shall be divided and laid off into five seperate districts; Alleghany county shall be divided and laid off into six separate districts; Anne Arundel county, including the city of Annapolis, shall be divided and laid off into five separate districts; Baltimore county, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

2. All and every part of the constitution and form of government, relating to the judges, time, place, and manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth and forty-second sections of the constitution and form of government of this state, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the sheriffs of the several counties, be and the same are hereby abrogated, repealed and annulled, and the same shall hereafter be regulated by law.—Passed 1792, ch. 115, confirmed 1799, ch. 48.

VII. *That every free white male citizen of this state, and no other, above 21 years of age, having resided twelve months in the county next preceding the election at which he offers to vote, and every free white male citizen of this state above 21 years of age, and having obtained a residence of twelve months next preceding the election in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for delegates to the general assembly, electors of the senate, and sheriffs*—Passed 1801, ch. 90, confirmed 1802, ch. 20.

VIII. That Frederick county shall be divided and laid off into nine separate districts.—Passed 1802, ch. 82, confirmed 1803, ch. 19.

IX. That this state shall be divided into six judical districts, in manner and form following, to wit: Saint Mary's, Charles, and Prince George's counties, shall be the first district; Cecil, Kent, Queen Anne's and Talbot counties, shall be the second district; Calvert, Anne Arundel and Montgomery counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; Frederick, Washington and Alleghany counties, shall be the fifth district; Baltimore and Harford counties, shall be the sixth district; and there shall be appointed for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to, and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behavior, removable for misbehaviour on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold and exercise, in the several counties of this state, all and every the powers, authorities, and jurisdictions which the county courts of this state now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act, shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint, and the salaries of the said judges shall not be diminished during the period of their continuance in office.

2. In any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record [illegible] their proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action; and provided also, that such further remedy may be provided by law in the premises, as the legislature shall from time to time direct and enact.

3. If any party presented or indicted in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be

had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided, that such further and other remedy may be provided by law, in the premises, as the legislature may direct and enact.

4. If the attorney general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein.

5. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeals shall hold, use and exercise, all and singular the powers, authorities and jurisdictions, heretofore held, used and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint; and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and in case of death, resignation, disqualification, or removal out of the state or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore—Passed 1804, ch. 55, confirmed 1805, ch. 16.

X. That Saint Mary's county shall be divided into four separate districts, and that the additional district shall be laid off adjoining and between the first and third districts, as they are now numbered—Passed 1806, ch. 29, confirmed 1807, ch. 8.

XI. Upon the death, resignation, or removal out of this state, of the governor, it shall not be necessary to call a meeting of the legislature to fill the vacancy occasioned thereby, but the first named of the council for the time being, shall qualify and act as governor, until the next meeting of the general assembly; at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

2. No governor shall be capable of holding any other office of profit during the time for which he shall be elected.—Passed June 1809, ch. 16, confirmed November, 1809, ch. 11.

XII. That all such parts of the constitution and form of government, as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature or electors of the senate, shall be, and the same are hereby repealed and abolished.—Passed November 1809, ch. 198, confirmed 1810, ch. 18.

XIII. That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.—Passed November 1809, ch. 167, confirmed 1810, ch. 24.

XIV. That every free white male citizen of this state, above twenty-one years of age, and no other, having resided twelve months within this state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the president and vice president of the United States, for representatives of this state in the congress of the United States, for delegates to the general assembly of this state, electors of the senate, and sheriffs.—Passed November 1809, ch. 83, confirmed 1810, ch. 33.

XV. That no person residing in the city of Annapolis, shall have a vote in the county of Anne-Arundel for delegates for the said county, and all and every part of the constitution which enables persons holding fifty acres of land to vote in said county, be and is hereby abolished.—Passed November 1809, ch. 33, confirmed 1810, ch. 49.

XVI. That the forty-fifth article of the constitution and form of government be, and the same is hereby repealed and utterly abolished.—Passed November 1809, ch. 65, confirmed 1810, ch. 78.

XVII. That the time of the meeting of the general assembly shall be on the first Monday in December in each year, instead of the first Monday in November, as *is now* prescribed by the constitution and form of government.

2. The governor of this state shall be chosen on the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

3. All annual appointments of civil officers in this state, shall be made in the third week of December in every year, in the same manner as the constitution and form of government now directs. Passed 1811, ch. 211, confirmed November 1812, ch.

[This constitution has been collated with great care, by two distinguished legal characters. This procedure will appear to have been absolutely necessary to those who have *labored* to discover (from the multitude of alterations and amendments) what the constitution was——some parts of it being enveloped in great obscurity and doubt. The reader will be pleased to bear in mind that all the parts of the declaration of rights and form of government that are printed in *Italic*, are repealed or supplied. The following errors occurred in the 456th page, which was printed before the strict revision above alluded to was made——

ERRATA IN PAGE 456.

Sec. viii.—For court of judicature—*read*, court *or* judicature.
—ix. — place of the meeting—*read*, place *for* the meeting.
xii. — tax, fee or fees—*read*, tax, *burthen*, fee or fees, and without *the* consent of the legislature.
xiii. — imposed and laid—in the last line but one—*read*, imposed *or* laid.
xv. The words ex post facto, inserted in *italic*, are not to be considered as stricken out.
xx. — common court of law—read, *court of common law.*
xxvii. — militia—read, *military.*
xxx. The words, "and judges," and "the judges," printed in *italic*, should have been printed in Roman.
xxxii. — foreign state—*read*, foreign *prince or* state.

The greater part of these errors, except in an article of this kind, would be regarded as non-essentials; and all of them existed in the *supposed* correct copy we had.]

Constitution of Virginia.

The constitution, or form of government, agreed to and resolved upon by the delegates and representatives of the several counties and corporations of Virginia, in a general convention held at Williamsburgh, on the 6th of May, and continued by adjournments to the 5th of July, 1776.

WE, the delegates and representatives of the good people of Virginia, do declare the future form of government of Virginia, to be as followeth:—

The legislative, executive, and judiciary departments, shall be separate and distinct so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of the assembly.

The legislative shall be formed of two distinct branches, who, together, shall be a complete legislature. They shall meet once, or oftener, every year, and shall be called *the general assembly of Virginia.* One of these shall be called *the house of delegates*, and consist of two representatives, to be chosen for each county, and for the district of West-Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified, according to law, and also of one delegate or representative, to be chosen annually for the city of Williamsburgh, and one for the borough of Norfolk, and a representative for each of such other cities and boroughs, as may hereafter be allowed particular representation by the legislature; but when any city or borough shall so decrease, as that the number of persons, having right of suffrage therein shall have been, for the space of seven years successively, less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a delegate or representative to the assembly.

The other shall be called *the senate*, and consist of twenty-four members, of whom thirteen shall constitute a house to proceed on business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election, of its delegates, shall vote for one senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and from the poll so taken in their respective counties, return as a senator, the man who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes and numbered by lot. At the end of one year, after the general election, the six members elected by the first division, shall be displaced, and the vacancies thereby occasioned, supplied from such classes or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

The right of suffrage in the election of members for both houses, shall remain as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for the supplying intermediate vacancies.

All laws shall originate in the house of delegates, to be approved of or rejected by the senate, or to be amended, with consent of the house of delegates; except money bills, which in no instance shall be altered by the senate, but wholly approved or rejected.

A governor, or chief magistrate, shall be chosen annually by joint ballot of both houses (to be taken in each house respectively) deposited in the conference room; the boxes examined jointly by a committee of each house, and the numbers severally reported to them, that the appointments may be entered (which shall be the mode of taking the joint ballot of both houses in all cases) who shall not continue in that office longer than three years successively, nor be eligible, until the expiration of four years after he shall have been out of that office. An adequate, but moderate sa-

lary, shall be settled on him, during his continuance in office; and he shall, with the advice of a council of state, exercise the executive powers of government, according to the laws of this commonwealth; and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England. But he shall, with the advice of the council of state, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the house of delegates.

Either house of the general assembly may adjourn themselves respectively. The governor shall not prorogue or adjourn the assembly during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the council of state, or on application of a majority of the house of delegates, call them before the time to which they shall stand prorogued or adjourned.

A privy council, or council of state, consisting of eight members, shall be chosen by joint ballot of both houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose, out of their own members, a president, who, in case of death, inability, or absence of the governor from the government, shall act as lieutenant-governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered on record, and signed by the members present (to any part whereof, any member may enter his dissent) to be laid before the general assembly, when called for by them. This council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy, in such matters as he shall be directed by the board to conceal. A sum of money, appropriated to that purpose, shall be divided annually among the members, in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either house of assembly. Two members shall be removed, by joint ballot of both houses of assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

The delegates for Virginia to the continental congress shall be chosen annually, or superseded in the mean time, by joint ballot of both houses of assembly.

The present militia officers shall be continued, and vacancies supplied by appointment of the governor, with the advice of the privy council, on recommendations from the respective county courts; but the governor and council shall have a power of suspending any officer, and ordering a court martial, on complaint of misbehavior or inability, or to supply vacancies of officers, happening when in actual service.

The governor may embody the militia with the advice of the privy council; and when embodied, shall alone have the direction of the militia, under the laws of the country.

The two houses of assembly shall, by joint ballot, appoint judges of the supreme court of appeals, and general court of judges in chancery, judges of admiralty, secretary, and the attorney-general, to be commissioned by the governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the governor with the advice of the privy council, shall appoint persons to succeed in office, to be approved or disapproved by both houses. These officers shall have fixed and adequate salaries, and, together with all others, holding lucrative offices, and all ministers of the gospel, of every denomination, be incapable of being elected members of either house of assembly or the privy council.

The governor with the advice of the privy council, shall appoint justices of the peace for the counties: and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective county courts. The present acting secretary in Virginia, and clerks of all the county courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a secretary shall be appointed, as before directed: and the clerks, by the respective courts. The present and future clerks shall hold their offices during good behavior, to be judged of, and determined in the general court. The sheriffs and coroners shall be nominated by the respective courts, approved by the governor, with the advice of the privy council, and commissioned by the governor. The justices shall appoint constables; and all fees of the aforesaid officers be regulated by law.

The governor, when he is out of office, and others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the state may be endangered, shall be impeachable by the house of delegates. Such impeachment to be prosecuted by the attorney-general, or such other person or persons as the house may appoint, in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or be removed from such office *pro tempore*, or subjected to such pains or penalties, as the laws shall direct.

If all or any of the judges of the general court should, on good grounds (to be judged of by the house of delegates) be accused of any of the crimes or offences abovementioned, such house of delegates may in like manner, impeach the judge or judges so accused, to be prosecuted in the court of appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

Commissions and grants shall run "*In the name of the commonwealth of Virginia*," and bear test by the governor, with the seal of the commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, "*against the peace and dignity of the commonwealth.*"

A treasurer shall be appointed annually, by joint ballot of both houses.

All escheats, penalties, and forfeitures, heretofore going to the king, shall go to the commonwealth, save only such as the legislature may abolish, or otherwise provide for.

The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South-Carolina, are hereby ceded, released, and forever confirmed to the people of these colonies respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Potomac and Pokomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements, which have been, or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand, as fixed by the charter of king James I. in the year one thousand six hundred and nine, and by the public treaty of peace, between the courts of Britain and France in the year one thousand seven hundred and sixty-three; unless by act of this legislature, one or more governments be established westward of the Alleghany mountains. And no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

Constitution of North-Carolina.

The Constitution or form of Government, agreed to and resolved upon by the Representatives of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in congress assembled, at Halifax, December 18, 1776.

A DECLARATION OF RIGHTS, &c.

I. That all political power is vested in, and derived from the people only.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

IV. That the legislative, executive and supreme judicial powers of government, ought to be forever separate and distinct from each other.

V. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

VI. That elections of members, to serve as representatives in general assembly, ought to be free.

VII. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

VIII. That no freeman shall be put to answer any criminal charge, but by indictment, presentment or impeachment.

IX. That no freeman shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence—are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this state ought not to be taxed, or made subject to the payment of any impost, or duty, without the consent of themselves, or their representatives in general assembly freely given.

XVII. That the people have a right to bear arms, for the defence of the state; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

XVIII. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

XIX. That all men have a natural and inalienable right to worship Almighty God, according to the dictates of their own consciences.

XX. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges, or honors ought to be granted or conferred in this state.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and, by them only, declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision: and as the former temporary line between North and South Carolina, was confirmed, and extended by commissioners, appointed by the legislatures of the two states, agreeable to the order of the late king George II. in council, that line, and that only, should be esteemed the southern boundary of this state—that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of little river (being the southern extremity of Brunswick county) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude: and from thence a west course so far as is mentioned in the charter of king Charles II. to the late proprietors of Carolina. Therefore all the territory, seas, waters and harbors, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the sea-shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of king Charles, are the right and property of the people of this state, to be held by them in sovereignty: any partial line, without the consent of the legislature of this state, at any time thereafter directed or laid out, in any wise notwithstanding: *provided always*, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future legislature of this state: *And provided also*, that it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature: *And provided further*, that nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late king George II. or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION OR FORM OF GOVERNMENT, &c.

Whereas allegiance and protection are, in their nature, reciprocal, and the one should of right be refused, when the other is withdrawn:—

And whereas, George the third, king of Great Britain, and late sovereign of the British American colonies, hath not only withdrawn from them his protection, but by an act of the British legislature, declared the inhabitants of these states out of the protection of the British crown, and all their property found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act: and the said George the third, has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery; in consequence whereof, all government, under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them, hath taken place.

And whereas, the continental congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared that the thirteen united colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and forever shall be, free and independent states—

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this state; therefore, We, the representatives of the freemen of North Carolina, chosen and assembled in congress, for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this state shall be established, in manner and form following, to wit:

I. That the legislative authority shall be vested in two distinct branches, both dependent on the people, to wit—*a senate and house of commons.*

II. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the state.

III. That the house of commons shall be composed of representatives annually chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

IV. That the senate and house of commons assembled for the purpose of legislation shall be denominated the *general assembly.*

V. That each member of the senate shall have usually resided in the county in which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than three hundred acres of land in fee.

VI. That each member of the house of commons shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

VII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and possessed of a freehold within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state, twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county in which he resides.

IX. That all persons possessed of a freehold, in any town in this state, having a right of representation, and also all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: Provided always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

X. That the senate and house of commons, when met, shall each have power to choose a speaker, and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two houses shall direct writs of election, for supplying intermediate vacancies; and shall also jointly by ballot, adjourn themselves to any future day and place.

XI. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

XII. That every person who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the state; and all officers shall also take an oath of office.

XIII. That the general assembly shall, by joint ballot of both houses appoint judges of the supreme courts of law and equity, judges of admiralty, and attorney-general, who shall be commissioned by the governor and hold their offices during good behavior.

XIV. That the senate and house of commons, shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this state.

XV. That the senate and house of commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a governor for one year, who shall not be eligible to that office, longer than three years, in six successive years. That no person, under thirty years of age, and who has not been a resident in this state above five years, and having, in the state, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

XVI. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present: to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

XVII. That there shall be a seal of this state, which shall be kept by the governor, and used by him, as occasion may require; and shall be called, *the great seal of the state of North Carolina*, and be affixed to all grants and commissions.

XVIII. The governor, for the time being, shall be captain-general and commander in chief of the militia; and, in the recess of the general assembly, shall have power, by and with the advice of the council of state to embody the militia, for the public safety.

XIX. The governor, for the time being, shall have power to draw for, and apply such sums of money, as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and may exercise all the other executive powers of government, limitted and restrained, as by this constitution is mentioned, and according to the laws of the state. And on his death, inability, or absence from the state, the speaker of the senate, for the time being, and, in case of his death, inability, or absence from the state, the speaker of the house of commons shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly.

XX. That in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of state, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

XXI. That the governor, judges of the supreme court of law and equity, judges of admiralty and attorney-general, shall have adequate salaries, during their continuance in office.

XXII. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers, for this state.

XXIII. That the governor, and other officers, offending against the state, by violating any part of this constitution, mal-administration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury of any court of supreme jurisdiction in this state.

XXIV. That the general assembly shall, by joint ballot of both houses triennially appoint a secretary, for this state.

XXV. That no persons who heretofore have been, or hereafter may be, receivers of public monies, shall have a seat in either

house of general assembly, or be eligible to any office in this state until such person shall have fully accounted for, and paid into the treasury, all sums, for which they may be accountable and liable.

XXVI. That no treasurer shall have a seat, either in the senate house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies which may be in his hands, at the expiration of his office, belonging to the state, and hath paid the same into the hands of the succeeding treasurer.

XXVII. That no officer in the regular army or navy, in the service and pay of the U. States, of this state or any other state, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

XXVIII. That no member of the council of state shall have a seat either in the senate or house of commons.

XXIX. That no judge of the supreme court of law or equity, or judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

XXX. That no secretary of this state, attorney general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of the pastoral function.

XXXII. That no person who shall deny the being of God, or the truth of the protestant religion, or the divine authority of either the old or new Testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.

XXXIII. That the justices of the peace, within their respective counties in this state, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly: and the justices when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the general assembly, unless for misbehavior, absence, or inability.

XXXIV. That there shall be no establishment of any one religious church or denomination in this state, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of warship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

XXXV. That no person in the state shall hold more than one lucrative office at any one time: *Provided*, that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXXVI. That all commissions and grants shall run in the name of the state of North-Carolina, and bear test, and be signed by the governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude, "*against the peace and dignity of the state.*"

XXXVII. That the delegates for this state, to the continental congress, while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner: and no person shall be elected to serve in that capacity, for more than three years successively.

XXXVIII. That there shall be a sheriff, coroner, or coroners, and constables in each county within this state.

XXXIX. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident, or the presumption great.

XL. That every foreigner who comes to settle in this state, having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate; and after one year's residence, shall be deemed a free citizen.

XLI. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all useful learning shall be duly encouraged and promoted, in one or more universities.

XLII. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

XLIII. That the future legislature of this state shall regulate entails, in such a manner as to prevent perpetuities.

XLIV. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated on any pretence whatsoever.

XLV. That any member of either house of general assembly, shall have liberty to dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

XLVI. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present: and that, upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this state, until the general assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, *President*.

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress.

By order,

JAMES GREEN, Jun. *Secretary*.

CONSTITUTION OF THE
STATE OF SOUTH-CAROLINA.

WE, the delegates of the people of the state of South Carolina in general convention met, do ordain and establish this constitution for its government.

ARTICLE I.

Sec. I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The house of representatives shall be compesed of members chosen by ballot, every second year, by the citizens of this state, qualified, as in this constitution is provided.

III. The several election districts, in this state, shall elect the following number of representatives, viz.

Charleston, including St. Philip and St. Michael, fifteen members; Christ Church, three members; St. John, Berkely, three members; St. Andrew, three members; St. George, Dorchester, three members; St. James, Goose Creek, three members; St. Thomas and St. Dennis, three members; St. Paul, three members; St. Bartholomew, three members; St. James, Santee, three members; St. John, Colleton, three members; St. Stephen, three members; St. Helena, three members; St. Luke, three members; Prince William, three members; St. Peter, three members; All Saints, including its ancient boundaries, one member; Winyaw, not including any part of All Saints, three members; Kingston, not including any part of All Saints, two members; Williamsburgh, two members; Liberty, two members; Marlborough, two members; Chesterfield, two members; Darlington, two members; York, three members; Chester, two members; Fairfield, two members; Richland, two members; Lancaster, two members; Kershaw, two members; Claremont, two members; Clarendon, two members; Abbeville, three members; Edgefield, three members; Newbury, including the fork between Broad and Saluda rivers, three members; Laurens, three members; Union, two members; Spartan, two members; Greenville, two members; Pendleton, three members; St. Matthew, two members; Orange, two members; Winton, including the district between Savannah river and the north fork of Edisto, three members; Saxe Gotha, three members.

IV. Every free white man, of the age of twenty-one years, being a citizen of this state, and having resided therein two years, previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling, towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

V. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector, of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this constitution.

VI. No person shall be eligible to a seat in the house of representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state, three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representatives unless he be legally seized and possessed, in his own rights, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

VII. The senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this state, qualified to elect members to the house of representatives, at the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.

Charleston, including St. Philip and St. Michael, two members; Christ Church, one member; St. John, Berkley, one member; St. Andrew, one member; St. George, one member; St. James, Goose Creek, one member; St. Thomas and St. Dennis, one member; St. Paul, one member; St. Bartholomew, one member; St. James, Santee, one member; St. John, Colleton, one member; St. Stephen, one member; St. Helena, one member; St. Luke, one member; Prince William, one member; St. Peter, one member; All Saints, one member; Winyaw and Williamsburg, one member; Liberty and Kingston, one member; Marlborough, Chesterfield and Darlington, two members; York, one member; Fairfield, Richland and Chester, one member; Lancaster and Kershaw, one member; Claremont and Clarendon, one member; Abbeville, one

member; Edgefield, one member; Newbury, including the fork between Broad and Saluda rivers, one member; Laurens, one member; Union, one member; Spartan, one member; Greenville, one member; Pendleton, one member; St. Matthew and Orange, one member; Winton, including the district between Savannah river, and the north fork of Edisto, one member; Saxe Gotha, one member.

VIII. No person shall be eligible to a seat in the senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this state five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

IX. Immediately after the senators shall be assembled, in consequence of the first election they shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year; so that one half thereof, as near as possible, may be chosen, forever thereafter, every second year, for the term of four years.

X. Senators, and members of the house of representatives, shall be chosen on the second Monday in October next, and the day following; and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed: —and shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor or commander in chief for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

XI. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members in such manner and under such penalties as may be provided by law.

XII. Each house shall choose by ballot its own officers determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

XIII. Each house may punish, by imprisonment, during sitting, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence—or who, during the time of its sitting, shall threaten harm, to the body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his going to, or returning therefrom; or who shall rescue any person arrested by order of the house.

XIV. The members of both houses shall be protected in their persons and estates during their attendance on, going to, and returning from the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

XV. Bills for raising a revenue shall originate in the house of representatives, but may be altered, amended or rejected by the senate.

All other bills may originate in either house, and may be amended, altered or rejected by the other.

XVI. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed in the senate-house, by the president of the senate and speaker of the house of representatives.

XVII. No money shall be drawn out of the public treasury but by the legislative authority of the state.

XVIII. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to and returning from the legislature; but the same may be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

XIX. Neither house shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

XX. No bill or ordinance which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

XXI. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this state, the United States, or either of them, or under any other power—except officers in the militia, army or navy of this state, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the United States, or either of them, or the agents of such contractor, be eligible to a seat in either houses. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

XXII. If any election district shall neglect to choose a member or members on the days of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office, a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

XXIII. And whereas, the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duty of their functions, therefore, no minister of the gospel or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant governor, or a seat in the senate or house of representatives.

ARTICLE II.

I. The executive authority of this state shall be invested in a governor, to be chosen in manner following: as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives shall, jointly, in the house of representatives, choose by ballot, a governor to continue for two years, and until a new election shall be made.

II. No person shall be eligible to the office of governor, unless he hath attained to the age of thirty years and hath resided within this state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as governor, shall be reeligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office, or commission, civil or military, except in the militia, either in this state, or under any state, or the United States, or any other power, at one and the same time.

III. A lieutenant-governor shall be chosen, at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

IV. A member of the senate or house of representatives, being chosen, and acting as governor or lieutenant-governor, shall vacate his seat, and another person shall be elected in his stead.

V. In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant governor, or his removal from office, death, or resignation, or absence from the state, the president of the senate shall succeed to his office, till a nomination to those offices respectively shall be made by the senate and house of representatives, for the remainder of the time which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

VI. The governor shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the actual service of the United States.

VII. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

VIII. He shall take care that the laws be faithfully executed in mercy.

IX. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

X. He shall at stated times, receive, for his services, a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

XI. All officers in the executive department, when required by the governor, shall give him information in writing, upon any subject relating to the duties of their respective offices.

XII. The governor shall, from time to time, give, to the general assembly information of the condition of the state, and recommend to their consideration such measures as he shall judge necessary or expedient.

XIII. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

ARTICLE III.

I. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behavior; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this state, the United States, or any other power.

II. The style of all processes shall be, "the state of South Carolina." All prosecutions shall be carried on in the name, and by the authority of the state of South Carolina, and conclude —"against the peace and dignity of the same."

ARTICLE IV.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath, "I do swear [or affirm] that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the constitution of this state, and of the United States.

ARTICLE V.

I. The house of representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment, for any misdemeanor in office; but judgment in such cases, shall not extend further than to a removal from office, and disqualification to hold any office of honor, trust, or profit, under this state. The party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE VI.

I. The judges of the superior courts, commissioners of the treasury, secretary of the state, and surveyor-general, shall be elected by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of this state, and surveyor-general, shall hold their offices for four years, after the expiration of the time for which they shall have been elected.

II. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

III. All commissions shall be in the name and by the authority of the state of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

ARTICLE VII.

All laws of force in this state, at the passing of this constitution, shall so continue, until altered or repealed by the legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE VIII.

I. The free exercise and enjoyment of religious profession and worship without discrimination or preference, shall forever hereafter, be allowed within this state to all mankind; provided that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

II. The rights, privileges, immunities, and estates of both civil and religious societies, and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

ARTICLE IX.

I. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

II. No freeman of this state, shall be taken or imprisoned, or dissezed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land; nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

III. The military shall be subordinate to the civil power.

IV. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

V. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behavior.

VI. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be forever inviolably preserved.

ARTICLE X.

I. The business of the treasury shall be, in future, conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston.

II. The secretary of state and surveyor-general shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

III. At the conclusion of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgments, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials and in arrest of judgment, and such points of law as may be submitted to them.

IV. The governor shall all always reside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times wherever, in his opinion, the public good may require.

V. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogeniture and for giving an equitable distribution of the real estate of intestates.

ARTICLE XI.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this constitution shall be altered unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature shall be agreed to, in their first session, by two thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention at Columbia, in the state of South-Carolina, the third day of June, in the year of our Lord, 1790, and in the fourteenth year of the independence of the United States of America.

By the unanimous order of the Convention,

CHARLES PINCKNEY, President.

A BILL

To alter the fourth section of the first article of the constitution of the state of South-Carolina.

Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the fourth section of the first article of the constitution of this state, be altered and amended to read as follows: Every free white man of the age of twenty-one years, paupers, and non-commissioned officers, and private soldiers of the army of the United States; excepted, being a citizen of this state, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

Constitution of Georgia.

The Constitution of the State of Georgia, as revised, amended, and compiled, by the Convention of the State, at Louisville, on the 30th day of May, 1798.

ARTICLE I.—SECTION I.

The legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

Sec. 2. The legislative power shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled "*The General Assembly.*"

Sec. 3. The Senate shall be elected annually, on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

Sec. 4. No person shall be a senator, who shall not have attained to the age of twenty-five years, and have been nine years a citizen of the United States and three years an inhabitant of this state, and shall have usually resided within the county for which he shall be returned, at least one year immediately preceding his election (except persons who may have been absent on public business of this state, or of the United States) and is and shall have been possessed, in his own right, of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be fully competent to the discharge of his just debts, over and above that sum.

Sec. 5. The senate shall elect, by ballot, a president out of their own body.

Sec. 6. The senate shall have the sole power to try all impeachments:—when sitting for that purpose they shall be on oath or affirmation; and no person shall be convicted, without the concurrence of two-thirds of the members present—Judgment, in cases of impeachment, shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, within this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

Sec. 7. The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this state, according to their respective numbers of free white persons, and including three-fifths of all the people of color: The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct: Each county containing three thousand persons agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand to three members; and twelve thousand to four members; but each county shall have at least one and not more than four members; the representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law. Until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives respectively:—Camden two; Glynn two; Liberty three; M'Intosh two; Bryan one; Chatham four; Effingham two; Scriven two; Montgomery two; Burke three; Bullock one; Jefferson three; Lincoln two; Elbert three; Jackson two; Richmond three; Wilkes four; Columbia three; Warren three; Washington three; Hancock four; Green three; Oglethorpe three; and Franklin two.

Sec. 8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he shall be chosen, one year immediately preceding his election, (unless he shall have been absent on public business of this state, or of the Unit-

ed States) and shall be possessed, in his own right, of a settled free-hold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

Sec. 9. The house of representatives shall choose their speaker and other officers.

Sec. 10. They shall have solely the power to impeach all persons who have been or may be in office.

Sec. 11. No person holding any military commission or other appointment, having any emolument or compensation annexed thereto, under this state or the United States, or either of them, except justices of the inferior court, justices of the peace, and officers of the militia, nor any person who has had charge of public monies belonging to the state, unaccounted for, and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the general assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive, within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

Sec. 12. The meeting of the general assembly shall be annually, on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorised to proceed to business; but a smaller number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

Sec. 13. Each house shall be the judges of the elections, returns and qualifications of its own members with powers to expel or punish by censuring, fining and imprisoning, or either, for disorderly behavior, and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect by any disorderly or contemptuous behavior in its presence, or who, during session, shall threaten harm to the body or estate of any member, for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness, in going to, or returning from, or who shall rescue any person arrested by order of either house.

Sec. 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for treason, felony, or breach of the peace; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Sec. 15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournament; and the yeas and nays of the members on any question, shall, at the desire of any two members, be entered on the journals.

Sec. 16. All bills for raising revenue or appropriating monies, shall originate in the house of representatives; but the senate shall propose or concur with amendments, as in other bills.

Sec. 17. Every bill shall be read three times and on three separate days, in each branch of the general assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the senate, and speaker in the house of representatives: No bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two-thirds of each branch.

Sec. 18. Each senator and representative, before he be permitted to take his seat, shall take an oath or make affirmation, that he hath not practised any unlawful means, either directly or indirectly, to procure his election; and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election; and every candidate employing like means, and not elected, shall, on conviction, be ineligible to hold a seat in either house, or to hold any office of honor or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

Sec. 19. Every member of the senate or house of representatives, shall, before he takes his seat, take the following oath or affirmation, to wit—"I, A. B. do solemnly swear or affirm (as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others, by my desire, or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that on all questions and measures which may come before me, I will give my vote and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support and, and defend, the constitution thereof."

Sec. 20. No person, who hath been or may be convicted of felony, before any court of this state, or any of the United States, shall be eligible to any office or appointment of honor, profit or trust, within this state.

Sec. 21. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the senate and house of representatives, with respect to their adjournment, the governor may adjourn them.

Sec. 22. The general assembly shall have power to make all laws and ordinances, which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution.

Sec. 23. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off as out of the other territory belonging to the state; but the property of the soil, in a free government, being one of the essential rights of a free people; it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention, composed of the immediate representatives of the people, chosen by them to assert their rights, to revise the powers given by them to the government, and from whose will all ruling authority of right flows, doth assert and declare, the boundaries of this state shall be as follows: That is to say, the limits, boundaries, jurisdictions, and authority of the state of Georgia, do, and did, and of right ought to extend from the sea or mouth of the river Savannah, along the northern branch or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersect the northern boundary line of South Carolina. If the said branch or stream of Tugalo extends so far north, reserving all the islands in the said river Savannah and Tugalo to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Chattahoochee; thence along the middle thereof, to its junction with Flint river; thence straight to the head of St. Mary's river; and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning. Including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights, and also all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line and within the limits aforesaid, is now, of right, the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this state, of and for all or any part of the western territory of this state, lying westward of the river Chattahoochee, on such terms as may beneficial to both parties; and may procure an extension of settlement, and extinguishment of Indian claims, in and to the vacant territory of this state, to the east and north of the said river Chattahoochee, to which the territory, such power of contract or sale, by the legislature, shall not extend: *And provided also*, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals, being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals or private companies, unless a county or counties shall have been first laid off, including such territory, and the Indian rights shall have been extinguished thereto.

Sec. 24. The foregoing section of this article having declared the common rights of the free citizens of this state, in and to all the territory without the present temporary boundary line, and within the limits of this state thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof, are become constitutionally void; and justice and good faith require, that the state should not detain a consideration for a contract, which has failed; the legislature, at their next session, shall make provision, by law, for returning to any person or persons, who has or have *bona fide* deposited monies for such purchases in the treasury of this state: *Provided*, That the same shall not have been drawn therefrom in terms of the act, passed the thirteenth day of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven: nor shall the monies paid for such purchases ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such monies be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same. No money shall be drawn out of the treasury, or from the public funds of this state, except by appropriation made by law: and a regular statement and account of the receipts and expenditures of all public monies, shall be published from time to time. No vote, resolution, law, or order, shall pass the general assembly, granting a donation or gratuity in favor of any person whatever, but by the concurrence of two-thirds of the general assembly.

Sec. 25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration, of all free white persons, and people of colour residing therein, distinguishing, in separate columns, the free white persons from persons of colour, and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next—the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust

reposed in them; and it shall be the duty of the said clerks, to transmit all such returns, under seal, directed to the speaker of the house of representatives, at the first session of the legislature thereafter.—And it shall be the duty of the general assembly, at their said first session, to apportion the members of the house of representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and every person, occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The general assembly shall, by law, direct the manner of taking such census or enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout this state, to be aiding and assisting in the true and faithful execution thereof. In case the justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or enumeration of any county shall not be so taken and returned, then, and in that case, the general assembly shall apportion the representation of such county, according to the best evidence in their power, relative to its population.

ARTICLE II.

Sec. 1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified; he shall have a competent salary established by law, which shall not be increased or diminished during the period for which he shall have been elected; neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

Sec. 2. The governor shall be elected by the general assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

Sec. 3. No person shall be eligible to the office of governor, who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other property to the amount of four thousand dollars, and whose estate shall not, on a reasonable estimation, be competent to the discharge of his debts over and above that sum.

Sec. 4. In case of the death, resignation, or disability of the governor, the president of the senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the general assembly.

Sec. 5. The governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be) that I will faithfully execute the office of governor of the state of Georgia; and will, to the best of my abilities, preserve, protect, and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws thereof."

Sec. 6. He shall be commander in chief of the army and navy of this state, and of the militia thereof.

Sec. 7. He shall have power to grant reprieves for offences against the state, except in cases of impeachment, and to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for treason or murder, in which cases he may respite the execution, and make report thereof to the next general assembly, by whom a pardon may be granted.

Sec. 8. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives; and shall have power to convene the general assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. When any office shall become vacant by death, resignation, or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed, shall continue in office until a successor is appointed, agreeably to the mode pointed out by this constitution or by the legislature.

Sec. 10. He shall have the revision of all bills passed by both houses, before the same shall become laws, but two-thirds of both houses may pass a law notwithstanding his dissent: and if any bill should not be returned by the governor within five days after it hath been presented to him, the same shall be a law, unless the general assembly, by their adjournment, shall prevent its return.

Sec. 11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and before it shall take effect, be approved by him; or, being disapproved, may be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 12. There shall be a secretary of the state, a treasurer, and a surveyor-general, appointed in the same manner, and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected.

Sec. 13. The great seal of the state shall be deposited in the office of the secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or general assembly; and the general assembly shall, at their first session, after the rising of this convention, cause the great seal to be altered, by law.

Sec. 14. The governor shall have power to appoint his own secretaries.

ARTICLE III.

Sec. 1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two-thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: *Provided*, That such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellative jurisdiction in such other cases as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county: and a copy of the petition and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct: but the legislature may, by law, to which two-thirds of each branch shall concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

Sec. 2. The judges shall have salaries, adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

Sec. 3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch of the general assembly. They shall have salaries adequate to their services established by law, which shall not be increased or diminished during their continuance in office.

Sec. 4. Justices of the inferior courts shall be appointed by the general assembly, and be commissioned by the governor, and shall hold their commissions during good behavior, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor on the address of two-thirds of each branch of the general assembly. They may be compensated for their services, in such manner as the legislature may by law direct.

Sec. 5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor, and there shall be two justices of the peace in each captain's district, either or both of whom, shall have power to try all cases of a civil nature, within their district, where the debt, or liquidated demand, does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behavior, or until they shall be removed by conviction on indictment in the superior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the address of two-thirds of each branch of the legislature.

Sec. 6. The powers of a court of ordinary or register of probates, shall be invested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the general assembly may by law direct; but the inferior court shall have power to vest the care of the records and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

Sec. 7. The judges of the superior courts, or any one of them, shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

Sec. 8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause, before any court or tribunal, either by himself, or counsel, or both.

Sec. 9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorising a divorce upon legal principles. And in such cases, two-thirds of each branch of the legislature may pass acts of divorce accordingly.

Sec. 10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behavior.

Sec. 11. Sheriffs shall be appointed in such manner as the general assembly may by law direct, and shall hold their appointments for the term of two years, unless sooner removed by sentence on impeachment, or by the governor, on the address of two-thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four

years; and no county officer after the next election, shall be chosen at the time of electing a senator or representative.

ARTICLE IV.

Sec. 1. The electors of members of the general assembly, shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying agreeably to law, for the year preceding the election, and shall have resided six months within the county: *Provided*, That in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants being a majority of the voters of such county, may meet under the direction of any three justices of the peace therein in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat, shall be entitled to their seats.

Sec. 2. All elections by the general assembly, shall be by joint ballot of both branches of the legislature; and when the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall in such case preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote *viva voce*, until the legislature shall otherwise direct.

Sec. 3. The general officers of the militia, shall be elected by the general assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

Sec. 4. All persons appointed by the legislature to fill vacancies, shall continue in office, only so long as to complete the time for which their predecessors were appointed.

Sec. 5. Freedom of the press, and trial by jury, as heretofore used in this state, shall remain inviolate; and no *ex post facto* law shall be passed.

Sec. 6. No person, who heretofore hath been, or hereafter may be, a collector, or holder of public monies, shall be eligible to any office in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

Sec. 7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.

Sec. 8. Convictions on impeachments, which have heretofore taken place, are hereby released, and persons lying under such convictions restored to citizenship

Sec. 9. The writ of *habeas corpus* shall not be suspended unless when in case of rebellion, or invasion, the public safety may require it.

Sec. 10. No person within this state, shall, upon any pretence, be deprived of the inestimable privilege of worshipping God in a manner agreeable to his own conscience, nor be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state, in preference to any other; nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.

Sec. 11. There shall be no future importation of slaves into this state, from Africa, or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of each of their respective owners, previous to such emancipation. They shall have no power to prevent emigrants, from either of the United States to this state, from bringing with them such persons, as may be deemed slaves, by the laws of any one of the United States.

Sec. 12. Any person, who shall maliciously dismember or deprive a slave of his life, shall suffer such punishment as would be inflicted, in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident, in giving such slave moderate correction.

Sec. 13. The arts and sciences shall be promoted, in one or more seminaries of learning, and the legislature shall, as soon as conveniently may be, give such further donations and privileges, to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the general assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Sec. 14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superseded by appointments made in conformity to this constitution: And all laws, now in force, shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the general assembly to pass all necessary laws and regulations, for carrying this constitution into full effect.

Sec. 15. No part of this constitution shall be altered unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the house of representatives, and three times in the senate, on three several days, in each house, and agreed to by two-thirds of each house, respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the general assembly; and if such alterations or any of them so proposed, shall be agreed to in their first session thereafter, by two-thirds of each branch of the general assembly, after the same shall have been read three times, on three separate days, in each respective house, then, and not otherwise, the same shall become a part of this constitution.

We, the underwritten delegates of the people of the state of Georgia, chosen and authorised by them to revise, alter, or amend, the powers and principles of their government, do declare, ordain, and ratify, the several articles and sections contained in the six pages hereunto prefixed as the constitution of this state; and the same shall be in operation from the date hereof.

In testimony whereof, *we*, and each us, respectively, have hereunto set our hands, at Louisville, the seat of government, this thirteenth day of May, in the year of our Lord, one thousand seven hundred and ninety-eight, and in the twenty-second year of the Independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit: "After the first day of October next."

JARED IRWIN, *President, and delegate from Washington.*

Bryan.	*Franklin.*	Jared Gore.
Joseph Clay, jun'r	A. Franklin,	*M'Intosh.*
J. B. Maxwell,	Robert Walters,	John H. M'Intosh,
John Phay.	Thomas Gilbert.	James Gignilliat.
Burke.	*Glynn.*	*Montgomery.*
Benjamin Davis,	John Burnett,	Benjamin Harrison,
John Morrison,	John Couper,	John Watts,
John Milton.	Thomas Spalding.	John Jones.
Bullock.	*Green.*	*Oglethorpe.*
James Bird,	G. W. Foster,	John Lumpkin,
Andrew E. Wells,	Jonas Fauche,	Thomas Duke,
Charles M'Call, jun'r.	James Nisbet.	Burwell Pope.
Camden.	*Hancock.*	*Richmond.*
James Seagrove,	Charles Abercrombee,	Robert Watkins,
Thomas Stafford.	Thomas Lamar,	Abraham Jones.
Chatham.	Matthew Rabun.	*Scriven.*
James Jackson,	*Jefferson.*	Lewis Lanier,
James Jones,	Peter J. Carnes,	James H. Rutherford,
George Jones.	William Fleming,	James Oliver.
Columbia.	R. D. Gray.	*Washington.*
James Simms,	*Jackson.*	John Watts,
Wa. Drane,	George Wilson,	George Franklin.
James M'Neil.	James Pittman,	*Warren.*
Effingham.	Joseph Humpheris.	John Lawson,
John King.	*Liberty.*	Arthur Fort,
John London,	James Cochran,	W. Sith, junior.
Thomas Polhill.	James Powell,	*Wilkes.*
Elbert.	James Dunwody.	Matthew Talbot,
William Barnett,	*Lincoln.*	Jesse Mercer.
R. Hunt,	Henry Ware,	Benjamin Taliaferro.
Benjamin Mosely.	Gibson Woodridge,	

Attest, JAMES M. SIMMONS, *Secretary.*

Constitution of Vermont.

Adopted by the Convention, holden at Windsor, July 4th, 1793.

CHAPTER I.

A DECLARATION OF RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTCLE I.

That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety: therefore, no male person, born in this country, and brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years; nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE II.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, when any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE III.

That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences, and understandings, as in their opinion shall be regulated by the word of God: and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments or peculiar mode of religious worship; and that no authority can, or ought, to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE IV.

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to pur-

chase it; completely and without any denial; promptly and without delay; conformably to the law.

ARTICLE V.

That the people of this state, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE VI.

That all power being originally inherent in, and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way accountable to them.

ARTICLE VII.

That government is, or ought to be, instituted for the common mon benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

ARTICLE VIII.

That all elections ought to be free and without corruption, and that all freemen, having a sufficient evidence, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE IX.

That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of any person's property can be justly taken from him, or applied to public uses, without his consent, or that of the representative body of freemen; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature, to be of more service to the community than the money would be if not collected.

ARTICLE X.

That in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of his country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE XI.

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure: and, therefore, warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person, or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE XII.

That when an issue in fact, proper for the cognizance of jury, is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE XIII.

That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE XIV.

The freedom of deliberation, speech, and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation, or prosecution, action or complaint in any other court or place whatsoever.

ARTICLE XV.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the legislature shall provide for.

ARTICLE XVI.

That the people have a right to bear arms, for the defence of themselves and the state—and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

ARTICLE XVII.

That no person in this state can in any case be subjected to law martel, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE XVIII.

The frequent recurrence to fundamental principles, and firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE XIX.

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ARTICLE XX.

That the people have a right to assemble together to consult for their common good—to instruct their representatives—and apply to the legislature for redress of grievances, by address, petition, or remonstrance.

ARTICLE XXI.

That no person shall be liable to be transported out of this state for trial, for any offence committed within the same.

CHAP. II.—PLAN, OR FORM OF GOVERNMENT.

Sec. 1. The commonwealth or state of Vermont, shall be governed hereafter, by a governor, or lieutenant-governor, council, and an assembly of the representatives of the freemen of the same, in manner and form following:

Sec. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth, or state of Vermont.

Sec. 3. The supreme executive power shall be vested in a governor, or, in his absence, a lieutenant governor, and council.

Sec. 4. Courts of justice shall be maintained in every county in this state, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered without corruption or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state; and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.

Sec. 5. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth—*Provided*, they do not constitute themselves the judges of the said court.

Sec. 6. The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

Sec. 7. In order that the freemen of this state might enjoy the benefit of election as equally as may be, each town within this state, that consists, or may consist of eighty taxable inhabitants, within one septenary, or seven years after she establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this state, may, in like manner, choose each one representative, to represent them in general assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.

Sec. 8. The house of representatives of the freemen of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this state, respectively, on the first Tuesday in September annually, forever.

Sec. 9. The representatives so chosen, a majority of whom shall constitute a quorum for transacting any other business than raising a state tax, for which two thirds of the members elected shall be present, shall meet on the second Thursday of the succeeding October, and shall be styled *The General Assembly of the state of Vermont;* they shall have power to choose their speaker, secretary of state, their clerk and other necessary officers of the house—sit on their adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their own constituents, antecedent to their own elections; they may administer oaths and affirmations in matters depending before them—redress grievances, impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties: they may annually, on their first session after their election, in conjunction with the council, or oftener if need be, elect judges of the supreme and several county and probate courts, sheriffs and justices of the peace; and also with the council may elect major-generals, brigadier generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the legislature of a free and sovereign state; but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

Sec. 10. The supreme executive council of this state, shall consist of a governor, lieutenant governor and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of the election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written to the constable, who shall seal them up and write on them, *votes for the governor*, and deliver them to the representatives chosen to attend the general assembly, there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing. And if there be no choice made, then the council and general assembly by their joint ballot, shall make choice of a governor. The lieutenant-governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as counsellors.

Sec. 11. The governor, and in his absence the lieutenant-governor, with the council, a major-part of whom, including the governor, or lieutenant-governor, shall be a quorum to transact business, shall have power to commission all officers—and also to appoint officers except where provision is, or shall be otherwise made by law or this frame of government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution.

They are to correspond with other states—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary to lay before the

general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance for advice only, the judges of the supreme court. And shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason and murder; in which they shall have power to grant reprieves, but not to pardon, until after the end of the next session of assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation.

They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the general assembly. And they may draw upon the treasury for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. They may grant such licenses as shall be directed by law; and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. And the lieutenant governor shall, by virtue of his office, be lieutenant-general of all the forces of the state. The governor, or lieutenant-governor, and the council, shall meet at the time and place with the general assembly; the lieutenant-governor shall, during the presence of the commander-in-chief, vote and act as one of the council: and the governor, and in his absence the lieutenant-governor, shall, by virtue of their offices, preside in council, and have a casting but no other vote. Every member of the council shall be a justice of the peace for the whole state, by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons to support it; and the governor may appoint a secretary for himself and his council.

Sec. 12. The representatives having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed, except where they shall produce certificates of their having heretofore taken and subscribed the same, as the following oath or affirmation, viz.

"You ———— do solemnly swear (or affirm) that as a member of this assembly, you will not propose, or assent to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatsoever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state; but will, in all things, conduct yourself as a faithful, honest representative, and guardian of the people, according to the best of your judgment and abilities, *(in case of an oath)* so help you God. *(And in case of an affirmation)* under the pains and penalties of perjury."

Sec. 13. The doors of the house in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

Sec. 14. The votes and proceedings of the general assembly shall be printed, when one-third of the members think it necessary, as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any member, except where the votes shall be taken by ballot, in which case every member shall have a right to insert the reasons of his vote upon the minutes.

Sec. 15. The style of the laws of this state in future to be passed shall be,—*It is hereby enacted by the general assembly of the state of Vermont.*

Sec. 16. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations, as much as possible prevented, all bills which originate in the assembly, shall be laid before the governor and council for their revision and concurrence, or proposals of amendment; who shall return the same to the assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the legislature. Provided, that if the governor and council shall neglect or refuse to return any such bill to the assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

Sec. 17. No money shall be drawn out of the treasury, unless first appropriated by act of legislation.

Sec. 18. No person shall be elected a representative, until he has resided two years in this state; the last of which shall be in the town for which he is elected.

Sec. 19. No member of the council, or house of representatives, shall, directly or indirectly, receive any fee or reward, to bring forward or advocate any bill, petition, or other business, to be transacted in the legislature; or advocate any cause, as counsel, in either house of legislation, except when employed in behalf of the state.

Sec. 20. No person ought, in any case or in any time, to be declared guilty of treason or felony, by the legislature.

Sec. 21. Every man, of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behaviour, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state.

"You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man."

Sec. 22. The inhabitants of this state shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as congress, agreeably to the constitution of the United States, and the legislature of this state shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain and other officers, and the captains and subalterns shall nominate and recommend the field officers, of their respective regiments, who shall appoint their staff officers.

Sec. 23. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant-governor, and attested by the secretary; which seal shall be kept by the governor.

Sec. 24. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for mal-administration. All impeachments shall be before the governor, or lieutenant governor and council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Sec. 25. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade or farm, where by he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs he has a right to a reasonable compensation; and whenever an office through increase of fees, or otherwise, become so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall wittingly and wilfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this state, until he shall be restored by act of legislation.

Sec. 26. No person in this state shall be capable of holding or exercising more than one of the following offices at the same time, viz. governor, lieutenant-governor, judge of the supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor-general, or sheriff. Nor shall any person, holding any office of profit or trust under the authority of congress, be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this state.

Sec. 27. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums as shall be directed by the legislature.

Sec. 28. The treasurer's accounts shall be annually audited, and a fair state thereof laid before the general assembly, at their session in October.

Sec. 29. Every officer, whether judicial, executive, or military in authority under this state, before he enters upon the execution of his office, shall take and subscribe to the following oath or affirmation of allegiance to this state, unless he shall produce evidence that he has before taken the same, and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the legislature.

The oath or affirmation of allegiance.

"You do solemnly swear *(or affirm)* that you will be true and faithful to the state of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

The oath or affirmation of office.

"You————do solemnly swear *(or affirm)* that you will faithfully execute the office of ——for the ——of ——; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

Sec. 30. No person shall be eligible to the office of governor or lieutenant-governor, until he shall have resided in this state four years next preceding the day of his election.

Sec. 31. Trials of issues, proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return or appointment of juries.

Sec. 32. All prosecutions shall commence, *by the authority of the state of Vermont*—all indictments shall conclude with these words, *against the peace and dignity of the state.* And all fines shall be proportioned to the offences.

Sec. 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

Sec. 34. All elections, whether by the people or the legislature, shall be free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

Sec. 35. All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns; and for want thereof, in the county clerk's office of the same county.

Sec. 36. The legislature shall regulate entails in such manner as to prevent perpetuities.

Sec. 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to

make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: And all persons at proper times, ought to be permitted to see them at their labor.

Sec. 38. The estates of such persons as may destroy their own lives, shall not for that offence, be forfeited, but descend or ascend in the same manner, as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Sec. 39. Every person, of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire hold, and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state, except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, counsellor, or representative in assembly, until after two years residence.

Sec. 40. The inhabitants of this state shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

Sec. 41. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: And a competent number of schools ought to be maintained in each town for the convenient instruction of youth: And one or more grammar schools be incorporated and properly supported in each county in this state. And all religious societies or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

Sec. 42. The declaration of the political rights and privileges of the inhabitants of this state is hereby declared to be a part of the constitution of this commonwealth; and ought not to be violated; on any pretence whatsoever.

Sec. 43. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen, except they shall not be out of the council or general assembly, to be called the council of censors; who shall meet together on the first Wednesday in June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which two-thirds of the whole number elected shall agree, and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part during the last septenary, including the year of their service, and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records—they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of Convention, July 9th, 1793.

THOMAS CHITTENDEN, President.

Attest, LEWIS R. MORRIS, Secretary.

Constitution of Kentucky.

The Constitution, or form of Government for the State of Kentucky.

WE, the representatives of the people of the state of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the right of life, liberty and property, and of pursuing happiness, do ordain and establish this constitution for its government.

ARTICLE I.—*Concerning the distribution of the Powers of the Government.*

Sec. 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

Sec. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE II.—*Concerning the Legislative Department.*

Sec. 1. The legislative power of this commonwealth shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate; and both together, *the General Assembly of the Commonwealth of Kentucky.*

Sec. 2. The members of the house of representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

Sec. 3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the same for three days, at the request of any one of the candidates.

Sec. 4. No person shall be a representative, who at the time of his election, is not a citizen of the United States, and hath not attained to the age of twenty-four years, and resided in this state two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

Sec. 5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper, from time to time, to divide any or all of those counties: *Provided,* That when it shall appear to the legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may from time to time be fixed by law, and thereafter elections, for the county in which such town is situated, shall not be held therein.

Sec. 6. Representation shall be equal and uniform in this commonwealth; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the state, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors: but, when a county may not have a sufficient number of qualified electors to entitle it to one representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative. Provided, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums when added together will amount to such ratio, in that case, one representative shall be added to that county having the largest residuum.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free male citizen (negroes, mulattoes, and Indians excepted) who, at the time being, hath attained to the age of twenty-one years, and resided in the state two years, or the county or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, and returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled shall have the power to choose its officers annually.

Sec. 10. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into four classes:—the seats of the senators of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one fourth shall be chosen every year, and a rotation thereby kept up perpetually.

Sec. 11. The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

Sec. 12. The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the state; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

Sec. 13. When an additional senator may be added to the senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in number as possible.

Sec. 14. One senator for each district shall be elected by those qualified to vote for representatives therein, who shall give their votes at the several places in the counties or towns, where elections are by law directed to be held.

Sec. 15. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not

attained to the age of thirty-five years, and resided in this state six years next preceding his election, and the last year thereof in the district from which he may be chosen.

Sec. 16. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter, there shall, in like manner, be an annual election for senators, to fill the places of those whose time of service may have expired.

Sec. 17. The general assembly shall convene on the first Monday in the month of November in every year, unless a different day on, going to, and returning from the sessions of their respective houses: Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

Sec. 24. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to, and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Sec. 25. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

Sec. 26. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect; nor whilst he holds or exercises any office of profit under this commonwealth, shall be eligible to the general assembly; except attornies at law, justices of the peace, and militia officers: Provided, that justices of the courts of quarter sessions shall be ineligible, so long as any compensation may be allowed them for their services; Provided also, that attornies for the commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

Sec. 27. No person, who at any time may have been a collector be appointed by law; and their sessions shall be held at the seat of government.

Sec. 18. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members, in such manner, and under such penalties as may be prescribed thereby.

Sec. 19. Each house of the general assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Sec. 20. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behavior; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 21. Each house of the general assembly shall keep and publish weekly, a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

Sec. 22. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 23. The members of the general assembly shall severally receive from the public treasury, a compensation for their services, which shall be one dollar and a half a day, during their attendance of taxes for the state or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public monies for which he may be responsible.

Sec. 28. No bill shall have the force of a law, until on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon: unless in cases of urgency four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 29. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills: Provided, that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

Sec. 30. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE III.

Concerning the Executive Department.

The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

Sec. 2. The governor shall be elected for the term of four years by the citizens entitled to suffrage, at the time and places where they shall respectively vote for representatives. The person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the legislature may direct.

Sec. 3. The governor shall be ineligible for the succeeding seven years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

Sec. 5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this constitution.

Sec. 6. No member of congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of governor.

Sec. 7. The governor shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished, during the term for which he shall have been elected.

Sec. 8. He shall be commander in chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do, by a resolution of the general assembly.

Sec. 9. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, that no person shall be so appointed to an office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then, within the limits of the county or counties from which it shall have been taken: Provided also, that the county courts be authorized by law to appoint inspectors, collectors, and their deputies, surveyors of the high-ways, constables, jailors, and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the general assembly; in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 13. He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall deem expedient.

Sec. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. A lieutenant-governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant-governor.

Sec. 17. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects; and when the senate are equally divided, to give the casting vote.

Sec. 18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor, absent or impeached, shall return or be acquitted.

Sec. 19. Whenever the government shall be administered by the lieutenant-governor, or shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker, for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

Sec. 20. The lieutenant-governor, while he acts as speaker to the senate, shall receive for his services the same compensation, which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to, had he been employed in the duties of his office.

Sec. 21. The speaker pro tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation, which the governor would have received, had he been employed in the duties of his office.

Sec. 22. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary for the time being, to convene the senate for the purpose of choosing a speaker.

Sec. 23. An attorney-general and such other attornies for the commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attornies for the commonwealth for the several counties, shall be appointed by the respective courts having jurisdiction therein.

Sec. 24. A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

Sec. 25. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to re-consider it; if, after such re-consideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be likewise considered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively; if any bill shall not be returned by the governor within ten days, Sundays excepted, after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved, shall be re-passed, by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. Contested elections for a governor and lieutenant-governor, shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Sec. 28. The freemen of this commonwealth (Negroes, Mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 29. The commanding officers of the respective regiments shall appoint the regimental staff; brigadier generals, their brigade majors; major generals, their aids; and captains, the non-commissioned officers of companies.

Sec. 30. A majority of the field officers and captains in each regiment, shall nominate the commissioned officers in each company, who shall be commissioned by the governor; Provided that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal, and the highest number of votes, the field officer present, who may be highest in commission, shall decide the nomination.

Sec. 31. Sheriffs shall be hereafter appointed in the following manner:—When the time of a sheriff for any county may be about to expire, the county court for the same, a majority of all its justices being present, shall in the months of September, October, or November next preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall in such recommendation pay a just regard to seniority in office and a regular rotation. One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county courts shall omit in the months aforesaid to make such recommendation, the governor shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

ARTICLE IV.—*Concerning the Judicial Department.*

Sec. 1. The judiciary power of this commonwealth both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the general assembly may, from time to time erect and establish.

Sec. 2. The court of appeals, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this constitution, as may, from time to time, be prescribed by law.

Sec. 3. The judges, both of the supreme and inferior courts shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall, at stated times, receive for their services, an adequate compensation, to be fixed by law.

Sec. 4. The judges shall, by virtue of their office, be conservators of the peace, throughout the state. The style of all process shall be, "The commonwealth of Kentucky." All prosecutions shall be carried on in the name, and by the authority of the commonwealth of Kentucky, and conclude, against the peace and dignity of the same.

Sec. 5. There shall be established in each county, now or which may hereafter be erected, within this commonwealth, a county court.

Sec. 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address and on the journal of each house.

Sec. 7. The number of the justices of the peace, to which the several counties in this commonwealth now established, or which may hereafter be established, ought to be entitled, shall from time to time be regulated by law.

Sec. 8. When a surveyor, coroner, or justice of the peace, shall be needed in any county, the county court for the same, a majority of all its justices concurring therein, shall recommend to the governor two proper persons to fill the office, one of whom he shall appoint thereto: Provided, however, that if the county court shall for twelve months omit to make such recommendation, after being requested by the governor to recommend proper persons, he shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

Sec. 9. When a new county shall be erected, a competent number of justices of the peace, a sheriff and coroner therefor, shall be recommended to the governor by a majority of all the members of the house of representatives from the senatorial district or districts in which the county is situated; and if either of the persons thus recommended shall be rejected by the governor or the senate, another person shall immediately be recommended as aforesaid.

Sec. 10. Each court shall appoint its own clerk, who shall hold his office during good behavior; but no person shall be appointed clerk, only pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the court of appeals, that he had been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk of any court of the same dignity, with that for which he offers himself. They shall be removable for breach of good behavior by the court of appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

Sec. 11. All commissions shall be in the name, and by the authority of the state of Kentucky, and sealed with the state seal, and signed by the governor.

Sec. 12. The state treasurer and printer or printers for the commonwealth, shall be appointed annually by the joint vote of both houses of the general assembly: Provided, that during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

ARTICLE V.—*Concerning Impeachments.*

Sec. 1. The house of representatives shall have the sole power of impeaching.

Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VI.—*General Provisions.*

Sec. 1. Members of the general assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities, the office of according to law."

Sec. 2. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3. Every person shall be disqualified from serving as a governor, lieutenant-governor, senator, or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, to procure his election.

Sec. 4. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

Sec. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law, nor shall any appropriations of money, for the support of an army be made for a longer time than one year; and a regular statement and account of the receipts and expenditures of all public money, shall be published annually.

Sec. 6. The general assembly shall direct by law, in what manner, and in what courts, suits may be brought against the commonwealth.

Sec. 7. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.

Sec. 8. All laws, which on the first day of June, one thousand seven hundred and ninety-two, were in force in the state of Virginia, and which are of a general nature, and not local to that state, and not repugnant to this constitution, nor to the laws which have been enacted by the legislature of this commonwealth, shall be in force within this state, until they shall be altered or repealed by the general assembly.

Sec. 9. The compact with the state of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this constitution.

Sec. 10. It shall be the duty of the general assembly, to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 11. All civil officers for the commonwealth at large, shall reside within the state, and all district, county, or town officers, within their respective districts, counties, or towns (trustees of towns excepted) and shall keep their respective offices at such places therein, as may be required by law: and all militia officers

shall reside in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

Sec. 12. The attorney general and other attornies for this commonwealth, who receive a fixed annual salary from the public treasury, judges and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behavior, and the continuance of their respective courts, under the exceptions contained in this constitution.

Sec. 13. Absence on the business of this state, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this commonwealth, under the exceptions contained in this constitution.

Sec. 14. It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made, for neglect of duty in their official capacity.

Sec. 15. Returns of all elections for governor, lieutenant governor, and members of the general assembly, shall be made to the secretary for the time being.

Sec. 16. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be personally and publicly given, viva voce.

Sec. 17. No member of congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this commonwealth, or hold or exercise any office of trust or profit under the same.

Sec. 18. The general assembly shall direct by law how persons, who now are, or may hereafter become, securities for public officers, may be relieved or discharged on account of such securityship.

ARTICLE VII.—*Concerning Slaves.*

Sec. 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to such emancipation, a full equivalent in money, for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the U. States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this commonwealth. They shall have full power to prevent slaves being brought into this state as merchandise. They shall have full power to prevent any slaves being brought into this state, who have been since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary, to oblige the owners of slaves to treat them with humanity, to provide for them necessary cloathing and provision, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

Sec. 2. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law: except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

ARTICLE VIII.

The seat of government shall continue in the town of Frankfort, until it shall be removed by law: Provided, however, that two-thirds of all the members elected to each house of the general assembly, shall concur in the passage of such law.

ARTICLE IX.—*Mode of Revising the Constitution.*

When experience shall point out the necessity of amending this constitution, and when a majority of all the members elected to each house of the general assembly, shall within the first twenty days of their stated annual session, concur in passing a law for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other returning officers, at the next general election which shall be held for representatives, after the passage of such law, to open a poll for, and make a return to the secretary, for the time being, of the names of all those entitled to vote for representatives who have voted for calling a convention: and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall direct that a similar poll shall be opened, and taken for the next year; and if thereupon it shall appear, that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there shall be in the house of representatives, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of readopting, amending or changing this constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

ARTICLE X.

That the general, great, and essential principles of liberty and free government, may be recognized and established, we declare,

Sec. 1. That all free men, when they form a social compact, are equal; and that no man or set of men, are entitled to exclusive, separate, public emoluments or privileges, from the community, but in consideration of public services.

Sec. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness: for the advancement of these ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent: that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious societies or modes of worship.

Sec. 4. That the civil rights, privileges, or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

Sec. 5. That all elections shall be free and equal.

Sec. 6. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate.

Sec. 7. That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

Sec. 8. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Sec. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 11. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the court, for oppression or misdemeanor in office.

Sec. 12. No person shall, for the same offence, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Sec. 13. That all courts shall be open, and every person for any injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law; and right and justice administered without sale, denial or delay.

Sec. 14. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

Sec. 15. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 16. That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 17. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 18. That no ex post facto law, nor any law impairing contracts, shall be made.

Sec. 19. That no person shall be attainted of treason or felony by the legislature.

Sec. 20. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth.

Sec. 21. That the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 22. That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Sec. 23. That the right of the citizens to bear arms in defence of themselves and the state, shall not be questioned.

Sec. 24. That no standing army shall in time of peace, be kept up without the consent of the legislature, and the military shall in all cases, and at all times, be in strict subordination to the civil power.

Sec. 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sec. 26. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

Sec. 27. That emigration from the state shall not be prohibited.

Sec. 28. To guard against transgressions of the high powers which we have delegated, *we declare*, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That all laws of this commonwealth in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue, as if the said alterations and amendments had not been made.

Sec. 2. That all officers now filling any office or appointment, shall continue in the exercise of the duties of their respective offices or appointments for the terms therein expressed unless by this constitution it is otherwise directed.

Sec. 3. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the legislature shall otherwise direct.

Sec. 4. The general assembly, to be held in November next, shall apportion the representatives and senators, and lay off the state into senatorial districts conformable to the regulations prescribed by this constitution. In fixing those apportionments, and in establishing those districts, they shall take for their guide the enumeration directed by law to be made in the present year, by the commissioners of the tax, and the apportionments thus made, shall remain unaltered until the end of the stated annual sessions of the general assembly in the year eighteen hundred and three.

Sec. 5. In order that no inconvenience may arise, from the change made by this constitution, in the time of holding the general election, it is hereby ordained that the first election for governor, lieutenant-governor, and members of the general assembly, shall commence on the first Monday in May, in the year eighteen hundred. The persons then elected shall continue in office during the several terms of service prescribed by this constitution, and until the next general election, which shall be held after their said terms shall have respectively expired. The returns for the said first election of governor and lieutenant-governor, shall be made to the secretary, within fifteen days from the day of election, who shall, as soon as may be, examine and count the same in the presence of at least two judges of the court of appeals, or district courts, and shall declare who are the persons thereby duly elected, and give them official notice of their election: and if any persons shall be equal and highest on the poll, the said judges and secretary shall determine the election by lot.

Sec. 6. This constitution, except so much thereof as is therein otherwise directed, shall not be in force, until the first day of June, in the year eighteen hundred; on which day the whole thereof shall take full and complete effect.

Done in convention at Frankfort, the seventeenth day of August, one thousand seven hundred and ninety-nine, and of the Independence of the United States of America, the twenty-fourth.

ALEXANDER S. BULLIT, P. C.
Member from Jefferson.

Bourbon.
John Allen,
Charles Smith,
Robert Wilmot,
James Duncan,
William Griffith,
Nathaniel Rogers,
William Suddath.
Christian.
Young Ewing.
Fayette.
John Breckenridge,
John M'Dowell,
John Bell,
H. Harrison,
B. Thurston,
Walter Carr.
Franklin.
Harry Innis,
John Logan.
Flemming.
George Stockton.
Garrard.
William M. Bledsoe.
Green.
William Casey.
Harrison.
Henry Coleman,
William Elliot Boswell.
Jefferson.
Richard Taylor.
Jessamine.
John Price.
Lincoln.
William Logan,
N. Huston.
Logan.
John Bailey,
Reuben Ewing.
Mason.
Philemon Thomas,
Breckin.
Philip Buckner.
Campbell.
Thomas Sandford.
Clarke.
Robert Clark,
R. Hickman,
Thomas Marshal, jun.
Joshua Baker.
Mercer.
Peter Brunner,
John Adair,
Thomas Allen,
Samuel Taylor.
Madison.
Green Clay,
Thomas Clay,
William Irvine.
Montgomery.
Jilson Payne.
Nelson.
John Rowan,
Richard Prather,
Nicholas Minor.
Shelby.
Benjamin Logan,
Abraham Owen.
Scott.
William Henry,
Robert Johnson.
Woodford.
Caleb Wallace,
William Steel.
Washington.
Felix Grundy,
Robert Abell.
Warren.
Alexander Davidson.

Constitution of Tennessee.

The Constitution of the state of Tennessee, unanimously established in Convention, at Knoxville, on the sixth day of February, one thousand seven hundred and ninety-six.

We, the people of the territory of the United States, south of the river Ohio, having the right of admission into the general government, as a member state thereof, consistent with the constitution of the United States, and the act of session of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the river Ohio, do ordain and establish the following constitution or form of government: and do mutually agree with each other to form ourselves into a free and independent state, by the name of *the state of Tennessee.*

ARTICLE I.

Section I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependent on the people.

II. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such a manner as shall be directed by law; the number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, apportioned among the several counties, according to the number of taxable inhabitants in each; and shall never be less than twenty-two, nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

III. The number of senators shall, at the several periods of making the enumeration beforementioned, be fixed by the legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

IV. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

V. The first election for senators and representatives, shall commence on the second Thursday of March next, and shall continue for that, and the succeeding day; and the next election shall commence on the first Thursday of August, one thousand seven hundred and ninety-seven, and shall continue on that and the succeeding day; and forever thereafter, elections shall be held once in two years, commencing on the first Thursday in August, and terminating the succeeding day.

VI. The first session of the general assembly shall commence on the last Monday of March next. The second on the third Monday of September, one thousand seven hundred and ninety-seven. And forever thereafter, the general assembly shall meet on the third Monday of September next ensuing the then election, and at no other period, unless as provided for by this constitution.

VII. That no person shall be eligible to a seat in the general assembly unless he shall have resided three years in the state, and one year in the county immediately preceding the election, and shall possess in his own right in the county which he represents, not less than two hundred acres of land, and shall have attained to the age of twenty-one years.

VIII. The senate and house of representatives, when assembled, shall each chose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two-thirds of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised by law, to compel the attendance of absent members.

IX. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for the legislature of a free state.

X. Senators and representatives, shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

XI. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence.

XII. When vacancies happen in either house, the governor for the time being, shall issue writs of election to fill such vacancies.

XIII. Neither house shall, during their session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses shall be sitting.

XIV. Bills may originate in either house, but may be amended, altered, or rejected by the other.

XV. Every bill shall be read three times, on three different days, in each house, and be signed by the respective speakers before it becomes a law.

XVI. After a bill has been rejected, no bill containing the same substance, shall be passed into a law during the same session.

XVII. The style of the laws of this state shall be, *Be it enacted by the general assembly of the state of Tennessee.*

XVIII. Each house shall keep a journal of its proceedings, and publish them except such parts as the welfare of the state may

require to be kept secret. And the *yeas* and *nays* of the members on any question, shall at the request of any two of them, be entered on the journals.

XIX. The doors of each house, and committees of the whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

XX. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and four, *to wit:*

The governor not more than seven hundred and fifty dollars.

The judges of the supreme courts not more than six hundred dollars each.

The secretary not more than four hundred dollars.

The treasurer or treasurers not more than *four per cent.* for receiving and paying out all monies.

The attorney or attornies for the state shall receive a compensation for their services, not exceeding fifty dollars for each superior court which he shall attend.

No member of the legislature shall receive more than one dollar and seventy-five cents per day, nor more for every twenty-five miles he shall travel in going to, and returning from the general assembly.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. No person who heretofore hath been, or hereafter may be a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury all sums for which he may be accountable or liable.

XXIII. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the general assembly: nor shall any person in this state, hold more than one lucrative office at one and the same time; provided that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXIV. No member of the general assembly shall be eligible to any office or place of trust, except to the office of a justice of the peace, or trustee of any literary institution, where the power of appointment to such office or place of trust is vested in their own body.

XXV. Any member of either house of the general assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and the have reasons of his dissent entered on the journals.

XXVI. All lands liable to taxation, in this state, held by deed, grant, or entry, shall be taxed equal and uniform, in such manner, that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each: no freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres, on each poll.

XXVII. No article manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

ARTICLE II.

I. The supreme executive power of this state, shall be vested in a governor.

II. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes, shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

III. He shall be at least twenty-five years of age, and possess a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States, or of this state.

IV. The first governor shall hold his office until the fourth Tuesday of September, one thousand seven hundred and ninety-seven, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified; but shall not be eligible more than six years in any term of eight.

V. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

VI. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

VII. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

VIII. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

IX. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them when assembled, the purpose for which they shall have been convened.

X. He shall take care that the laws shall be faithfully executed.

XI. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

XII. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be qualified.

XIII. No member of congress, or person holding any office under the United States or this state, shall execute the office of governor.

XIV. When any officer, the right of whose appointment is by this constitution vested in the general assembly, shall, during the recess, die, or his office by other means become vacant, the governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

XV. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Tennessee.

XVI. All grants and commissions shall be in the name and by the authority of the state of Tennessee, be sealed with the state seal, and signed by the governor.

XVII. A secretary of this state shall be appointed and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the governor; and shall, when, required lay the same, and all papers, minutes and vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. Every freeman of the age of twenty-one years, and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this state, and every freeman being an inhabitant of any one county in the state, six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly, for the county in which he shall reside.

II. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

III. All elections shall be by ballot.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeachment.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

III. No person shall be convicted without the concurrence of two-thirds of the members of the whole house.

IV. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this state. The party shall, nevertheless, in all cases, be liable to indictment, trial, judgment and punishment, according to law.

ARTICLE V.

I. The judiciary power of this state shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

II. The general assembly shall, by joint ballot of both houses, appoint judges of the several courts of law and equity, also an attorney or attornies for the state, who shall hold their respective offices during good behavior.

III. The judges of the superior court shall, at stated times, receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees, or perquisites of office, nor shall they hold any other office or trust or profit under this state, or the States.

IV. The judges of the superior court shall be justices of oyer and terminer and general goal delivery throughout the state.

V. The judges of the superior and inferior courts shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

VI. The judges of the superior courts shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior court of record into the superior, on sufficient cause, supported by oath or affirmation.

VII. The judges or justices of the inferior courts of law shall have power, in all cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court, on sufficient cause, supported by oath or affirmation.

VIII. No judge shall sit on the trial of any cause where the parties shall be connected with him by affinity or consanguinity, except by consent of parties. In case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall, in such case, specially commission three men, of law knowledge, for the determination thereof.

IX. All writs and other process, shall run, *In the name of the state of Tennessee;* and bear test, and be signed by the respective clerks. Indictments shall conclude, *against the peace and dignity of the state.*

X. Each court shall appoint its own clerk, who may hold his office during good behavior.

XI. No fine shall be laid on any citizen of this state, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

XII. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company; except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behavior.

ARTICLE VI.

There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years. They shall also have power to appoint one register and ranger for the county, who shall hold their offices during good behavior. The sheriff and coroner shall be commissioned by the governor.

II. There shall be a treasurer or treasurers appointed for the state, who shall hold his or their offices for two years.

III. The appointment of all officers, not otherwise directed by this constitution, shall be vested in the legislature.

ARTICLE VII.

I. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

II. All field officers of the militia shall be elected by those citizens in their respective counties who are subject to military duty.

III. Brigadiers-general shall be elected by the field officers of their respective brigades.

IV. Majors-general shall be elected by the brigadiers and field officers of the respective divisions.

V. The governor shall appoint the adjutant-general; the majors-general shall appoint their aids; the brigadiers-general shall appoint their brigade-majors, and the commanding-officers of regiments, their adjutants and quarter-masters.

VI. The captains and the subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the districts shall be appointed by the said captains and subalterns, provided that whenever any new county is laid off, that the field officers of said cavalry shall appoint the captain and other officers therein, *pro tempore*, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

VII. The legislature shall pass laws, exempting citizens, belonging to any sect, or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE VIII.

I. Whereas the ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

II. No person who denies *the being of God or a future state of rewards and punishments*, shall hold any office in the civil department of this state.

ARTICLE IX.

I. That every person who shall be chosen or appointed to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

II. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation to support the constitution of this state, and also the following oath:

I, A. B. do solemnly swear (or affirm) that, as a member of this general assembly, I will, in all appointments vote without favor, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

III. Any elector who shall receive any gift or reward for his vote, in *meat, drink, money*, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

IV. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than six hundred and twenty-five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law, for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county prayed to be laid off.

ARTICLE X.

I. Knoxville shall be the seat of government, until the year one thousand eight hundred and two.

II. All laws and ordinances now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the legislature.

III. That whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution.

IV. The declaration of rights hereto annexed, is declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE IX.—*Declaration of Rights.*

I. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: for the advancement of those ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

II. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive to the good and happiness of mankind.

III. That all men have a natural and indefeasible right to worship *Almighty God* according to the dictates of their own conscience; that no man can of right be compelled to attend, erect or support, any place of worship, or to maintain any ministry against his consent, that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

IV. That no religious test shall ever be required as a qualification to any office or public trust under this state.

V. That elections shall be free and equal.

VI. That the right of trial by jury shall remain inviolate.

VII. That the people shall be secure in their persons, houses papers, and possessions, from unreasonable searches and seizures, and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed or to seize any person or persons, not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

VIII. That no freeman shall be taken, or imprisoned, or dissei-zed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment, or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

X. That no person shall, for the same offence, be twice put in jeopardy of his life or limb.

XI. The laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

XII. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

XIII. That no person arrested, or confined in gaol, shall be treated with unnecessary rigor.

XIV. That no freeman shall be put to answer any criminal charge, but by presentment, indictment or impeachment.

XV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

XVI. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

XVII. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, and in such courts as the legislature may by law direct, provided the right of bringing suit be limited to the citizens of this state.

XVIII. That the person of a debtor, where there is not strong presumption of fraud, shall not be confined in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

XIX. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publications of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

XX. That no retrospective laws, or law, impairing the obligation of contracts, shall be made.

XXI. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of

his representatives, or without just compensation being made therefor.

XXII. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

XXIV. That the sure and certain defence of a free pepole is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

XXV. That no citizen in this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

XXVI. That the freemen of this state have a right to keep and to bear arms for their common defence.

XXVII. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

XXVIII. That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent to be ascertained by law.

XXIX. That an equal participation of the free navigation of the Mississippi, is one of the inherent rights of the citizens of this state; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

XXX. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in this state.

XXXI. That the people residing south of French Broad and Holston, between the rivers Tennessee and the Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

XXXII. That the limits and boundaries of this state be ascertained, it is declared they are as hereafter mentioned; that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north—running thence along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe River and the waters of Rock creek to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to the place where Nolichuky river runs through the same; thence to the top of the Bald Mountain: thence along the extreme height of said mountain to the painted rock, on French Broad River; thence along the highest ridge of said mountain, to the place where it is called the Great-Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this state, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters, lying west of the said line, as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation the bill of rights and constitution of North Carolina, the cession act of the said state and ordinance of the late congress, for the government of the territory northwest of the Ohio; provided, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act.

SCHEDULE.

I. That no inconvenience may arise from a change of the temporary to a permanent state government, it is declared, that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue, as if no change had taken place in the administration of government.

II. All fines, penalties and forfeitures, due and owing to the tertory of the United States of America south of the river Ohio, shall enure to the use of the state. All bonds for performance, executed to the governor of the said territory, shall be and pass over to the governor of this state, and his successors in office, for the use of the state, or by him or them respectively to be assigned over to the use of those concerned, as the case may be.

III. The governor, secretary, judges, and brigadiers-general have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the said officers are superceded under the authority of this constitution.

IV. All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified.

V. The governor shall make use of his private seal, until a state seal shall be provided.

VI. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives: Provided that no new county shall be entitled to separate representation previous to taking the enumeration.

VII. That the next election for representatives and other officers, to be held for the county of Tennessee, shall be held at the house of *William Miles*.

VIII. Until a land office shall be opened so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold land by virtue of such claims, shall be eligible to serve in all capacities where a freehold is by this constitution made a requisite qualification.

Done in convention, at Knoxville, by unanimous consent, on the sixth day of February, in the year of our Lord, one thousand seven hundred and ninety-six, and of the Independence of the United States of America, the twentieth. In testimony of, we have hereunto subscribed our names.

WILLIAM BLOUNT, President.

Blount county.
David Craig,
James Greenaway,
Joseph Black,
James Houston,
Samuel Glass.

Davidson county.
John M'Nairy,
Andrew Jackson,
James Robertson,
Thomas Hardiman,
Joel Lewis.

Sullivan county.
George Rutledge,
William C. C. Claiborne,
Richard Gammon,
John Shelby, jun.
John Rhea.

Green county.
Samuel Frazier,
Stephen Brooks,
William Rankin,
Elisha Baker,
John Galbreath.

Jefferson county.
Alexander Outlaw,
Joseph Anderson,
George Doherty,
James Roddye,
Archibald Roane.

Sevier county.
Peter Bryan,
Samuel Wier,
Spencer Clack,
John Clack,
Thomas Buckenham.

Hawkins county.
James Berry,
Joseph M'Min,
Thomas Henderson,
William Cocke,
Richard Mitchell.

Summer county.
David Shelby,
Isaac Walson,
W. Douglass,
Edward Douglass,
Daniel Smith.

Tennessee county.
Thomas Johnson,
James Ford,
William Fort,
William Prince,
Robert Prince.

Washington county.
John Tipton,
Samuel Handy,
Lecroy Taylor,
Landon Carter,
James Stuart,

Knox county.
James White,
Charles M'Clung,
John Crawford,
John Adair.

Attest, WILLIAM MECHLIN, Secretary.

☞ *The constitutions of* OHIO *and* LOUISIANA, *will be inserted in an appendix to be issued with the last number of the next volume—the fourth.*

Released Americans.

Enough (some persons may suppose) has been published on impressments. But the subject is fruitful in incidents that deserve to be recorded. We have made the broad assertion, that there is no *British* vessel of war destitute of impressed *American* seamen, be her station where it may; and solemnly believe the fact. The policy of the man-stealer scattering the kidnapped through all his ships for the most abominable purpose of keeping their friends ignorant of their fate. Every time that the *bloody cross* has come down we find proof of our assertion—but the following presents as facts that should always be remembered—these solitary cases have been nobly avenged.

6257 IMPRESSED AMERICAN SEAMEN.

Evidence laid before Congress, Jan. 15, 1812.

The original documents, containing the *names* and particulars of each seamen, are left with the printer, where any doubting American may call and be satisfied. [*N. Y. paper.*

I BEEKMAN VER PLANK HOFFMAN, of the town of Poughkeepsie, do certify, that I am a lieutenant in the United States navy; that I was on board the Constitution frigate in the action and capture of the Guerriere; that after such surrender, I was sent on board, and after taking out the crew, fired and blew up the ship; that eight impressed American seamen were among the crew of the Guerriere, who were liberated at Boston. I was also on board the Constitution in the action with the Java, and was sent on board that vessel, and after the crew was removed, set her on fire and blew her up. Amongst the crew of the Java thirteen American seamen were

ound, three of whom had entered the British service and were left, the other ten were liberated as Americans.

Dated Poughkeepsie, April 16, 1813.

B. V. HOFFMAN.

Duchess county, ss.

RICHARD TOMPKINS, being sworn, saith, that he is a native of New-Paltz, opposite Poughkeepsie, that he sailed from Wilmington about the 28th of April, 1810, on board the Warren, Wm. Kelly captain, for Cork. On the homeward passage, in September following, he was impressed and taken on board the Peacock, a British sloop of war, and compelled to do duty: That while on board that vessel, he made many unsuccessful attempts to write to his friends informing them of his situation. He further saith' that after he heard of the war, himself and two other impressed American seamen, who were on board the Peacock; went aft, to the captain, claimed to be considered American prisoners of war, and refused to do duty any longer. They were ordered off the quarter-deck, and the captain called for the *master at arms*, and ordered us to be put in irons; we were then kept in irons about twenty-four hours, when we were taken out; brought to the gangway, stripped of our clothes, tied and whipped, each one dozen and a half lashes, and put to duty.

He further saith, that he was kept on board the Peacock, and done duty till the action with the Hornet—after the Hornet hoisted American colors, he and the other impressed American again went to the captain of the Peacock, asked to be sent below, said it was an American ship, and that they did not wish to fight against their country. The captain ordered us to our quarters; called midshipman *Stone* to do *his* duty; and if we did not do our duty, to blow our brains out—"aye!! aye!!" was answered by Stone, who then held a pistol to my head, and ordered us to our places. We then continued at our places, and was compelled to fight till the Peacock struck; and we were liberated after an impressment of about two years and eight months.

his
RICHARD ⋈ TOMPKINS.
mark

Poughkeepsie, April 17, 1813.

Read over and signed in the presence of
JOSEPH HARRIS,
JOHN S. FREAR.

Duchess county, ss.

JAMES TOMPKINS being sworn, saith, that he is a native of Ulster county, opposite to Poughkeepsie; that he sailed out of New-York in the month of April 1812, in the ship Minerva, bound to Ireland; that on the homeward bound passage in July after, this deponent, with three other American seamen, *Sam'l Davis, Wm. Young* and *John Brown*, were impressed and taken on board the British ship Acteon, David Smith captain. We were taken on Saturday evening; on Monday morning we were brought to the gangway, and informed we must enter on board ship, and live as the other seamen, or we should live on oat-meal and water, and receive five dozen lashes. This deponent says, himself and the other three impressed with him, did refuse to enter, and each of them were whipped five dozen lashes. On Wednesday following we were again all brought up, and had the same offer made to us to enter, which we refused, and were again whipped four dozen lashes. On Saturday after, the like offer was made to us; and on our refusal, we were again whipped three dozen lashes each. On Monday following, still refusing to enter, we were again whipped two dozen each. On Wednesday following, we were again whipped one dozen each, and ordered to be taken below, and put in irons till we did enter; and the captain said he would *punish the damn'd Yankee rascals till they did enter*. We were then put in irons, and laid in irons three months.

During the time of our impressment, the ship had an action and captured a French ship. Before this action we were taken out of irons and asked to fight, but we refused; and after the action we were again ironed, where we remained till the ship arrived at London. After arriving there we first heard of the war with America, and that the Guerriere was taken. This deponent took his shirt, Samuel Davis and Wm. Young took their handkerchiefs, made stripes and stars for the American colors, and hung it over a gun, and gave three cheers for the victory. The next morning at 6 o'clock, we were brought up and whipped two dozen lashes each for huzzaing for the Yankee flag. Shortly after this we were all released by the assistance of the American consul and capt. Hall, who knew us.

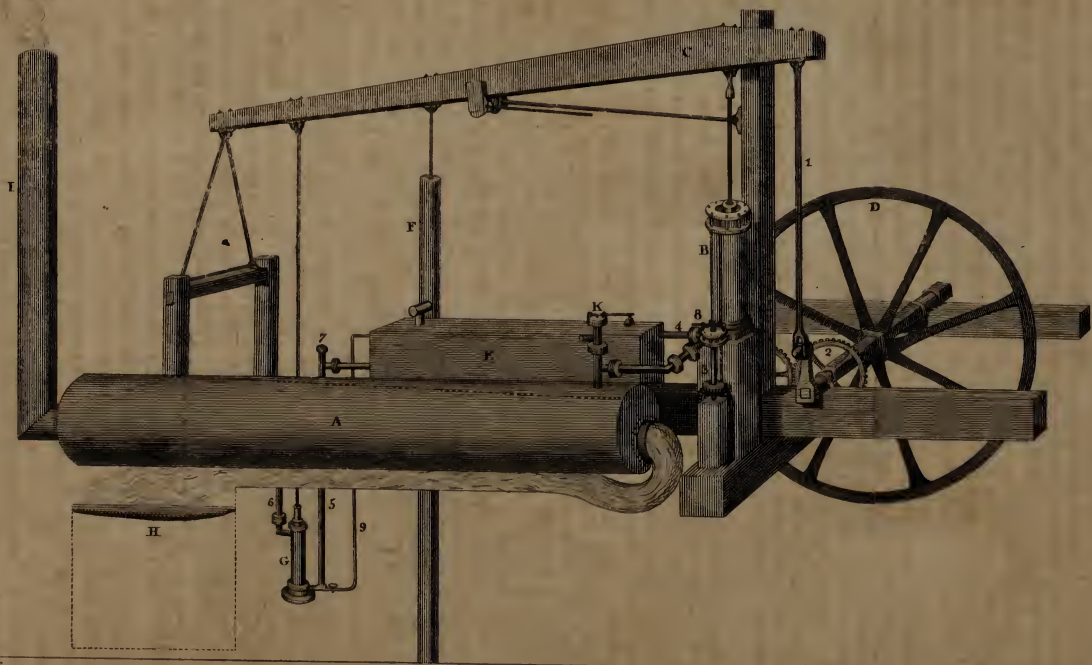
This deponent further saith, that they all had protections, and shewed them, and claimed to be Americans, at the time they were impressed.

JAMES TOMPKINS.

Sworn before me this 27th day of April, 1813, at which time the said James Tompkins shewed me his wrists, which, at his request, I examined, there appeared to be marks of scars on both of them, occasioned, as I supposed, from his having been in irons. WM. W. BOGARDUS,
Justice of the Peace.

END OF THE APPENDIX TO VOL. III.

The Columbian Steam Engine.



J.H. Hopkins

C. Tisbout

THE WEEKLY REGISTER.

ADDENDA TO VOLUME THE THIRD.

Hæc olim meminisse juvabit.—VIRGIL.

Printed and published by H. NILES, South-st. next door to the Merchants' Coffee House, at $ 5 *per annum.*

Editor's Introduction.

On presenting this ADDENDA to the third volume of the WEEKLY REGISTER, it becomes the editor to confess, that, as a considerable part of the sheet is devoted to substantiate and explain certain claims of the author with a view to *his* emolument, that *I* have been indemnified the cost of publishing it. Without this declaration my apparent liberality might have been questioned, as being improperly directed.

But the mere payment of this cost of would not, of itself, have induced me to present the sheet to my readers. The memoir on the "ORIGIN OF STEAM BOATS AND STEAM WAGGONS," is a most interesting article. It describes, with great simplicity and effect, the beginning and progress of an invention that may be ranked among the most useful with which the genius of our countrymen has blessed mankind.

Of the merits of Mr. EVANS' claims to the inventions hereinafter described, I know nothing further than is to be gathered from the facts stated—but, born in the neighborhood of the former residence of that gentleman, and being familiar from my childhood with his *mechanical* character, (if the term may be allowed) I have always regarded him as a man of uncommon genius, with great strength of mind. My earliest recollections point him out to me as a person, in the language of the day, that "would never be worth any thing, because he was always spending his time in some *contrivance* or another:" and I well remember, when a little boy, to have heard him say, "the time would come when the powers of steam should be so well ascertained and so simply applied, that the very old women would do the common business of housewifery with it," speaking of it as a matter with which he was perfectly acquainted. I rejoice that the prediction of the sceptical who oppose all improvements and inventions, as "*innovations*," has not been fulfilled: and am delighted to observe, that his then supposed *strange* declaration, has been so far accomplished as to remove all doubts of its most liberal and extended practice.

Columbian Steam Engine.

EXPLANATION.

A, the boiler—B, the working cylinder—C, the lever beam—D, the fly-wheel—E, the condenser—F, the water-pump—G, the supply pump—H, the furnace—I, the chimney flue—K, the safety-valve, which may be loaded with 100 or 150*lbs.* to the inch area; it will never need more, and it must never be fastened down.

OPERATION.

The boiler being filled with pure water as high as the dotted line, and the fire applied, the smoke enters the centre flue, which passes through the centre of the water to ascend the flue I, and thus acts on a large surface.

When the steam lifts the safety-valve, it is then let into the cylinder by opening the throttle-valve, to drive the piston up and down, which, by rod 1, gives motion to the fly-wheel, and wheel 2 gives motion to a shaft, passing through the posts, to turn the spindle of the rotary-valves 3, 8, which lets the steam both off and on the cylinder at the proper time.

The steam escaping by pipe 4, curved and immersed in the water in box E, which is supplied by pump F, it is condensed, and the water formed, descends by pipe 5, into supply pump G, and is forced into the boiler again by pipe 6.

But boiling decomposes water slowly changing it into air incondensible. Therefore the shifting-valve 7, is necessary. This valve lifts at every puff of steam, and a small quantity of air escapes; and it shuts, and a vacuum is instantly formed, as the crank passes the dead points.

The small waste of water may be supplied by condensing part of the steam rising from the condensing water, to run down the pipe 9, through a hole in the key of a stop cock, $\frac{1}{32}$ parts of an inch diameter,—A small hole indeed to supply a boiler of twenty horses power.

No sediment can accumulate in the boiler, it being supplied by distilled water. Therefore it will last much longer, and require less fuel than others. Muddy, limestone, or salt water, or the juice of the sugar-cane, &c. &c. may be used to condense; and as the engine works equally well while we boil away the condensing water, we may boil for salt, sugar, &c. in working the engine,—thus using the fuel for double purposes.

If the steam be confined by the load on the safety-valve, to raise its power to 100 pounds to the inch, area of the piston and the cylinder be nine inches in diameter, and the stroke of the piston three feet, the power will equal twenty horses hitched; and will grind 20 bushels of grain per hour, or saw 5000 feet of boards in 12 hours. If the steam be confined by 150 pounds, the power of the engine will be equal to 30 horses, when the steam is shut off at one third of the stroke, and striking thirty-six strokes per minute.—Double strokes double the power.

The more the steam is confined, and the shorter it be shut off by the regulator 8, the greater will be the power obtained by the fuel. For every addition of 30 degrees heat to the water doubles the power. So that doubling the heat of the water increases the

☞ The binder will please to observe that this *addenda*, is designed to follow the *Appendix*.

power about 100 times. On these principles fuel may be lessened to one third part consumed by other engines. This engine is not more than one fourth the weight of others; is more simple, durable, and cheap, and more suitable for every purpose; especially for propelling boats and land carriages. It requires no more water than the fuel will evaporate in steam, and this steam may be employed to warm the apartments of factories; or the condenser E, could be used as a still to distil spirits; or a vat for paper making, boiler in a brewery, dye factory, &c. &c.

The patent right now belongs one half to the subscriber, Philadelphia; one fourth to George Evans, Pittsburg; and one fourth to Luther Stephens, Lexington, Ky. Apply to either for engines, or for licenses to use them.

OLIVER EVANS.

ON THE ORIGIN OF

Steam Boats and Steam Waggons.

BY OLIVER EVANS.

About the year 1772, being then an apprentice to a wheel-wright, or waggon-maker, I labored to discover some means of propelling land carriages, without animal power. All the modes that have since been tried (so far as I have heard of them) such as wind, treadles with ratched wheels, crank tooth, &c. to be wrought by men, presented themselves to my mind, but were considered as too futile to deserve an experiment; and I concluded that such motion was impossible for want of a suitable original power.

But one of my brothers, on a Christmas evening, informed me that he had that day been in company with a neighboring blacksmith's boys; who, for amusement, had stopped up the touch-hole of a gun barrel, then put in about a gill of water and rammed down a tight wad—after which they put the breech in the smith's fire; when it discharged itself with as loud a *crack* as if it had been loaded with powder.

It immediately occurred to me that here was the power to propell any waggon, if I could only apply it; and I sat myself to work to find out the means. I labored for some time without success. At length a book fell into my hands describing the old atmospheric *steam engine*. I was astonished to observe that they had so far erred as to use the steam only to form a vacuum to apply the mere pressure of the atmosphere, instead of applying the elastic power of the steam for original motion; the power of which I supposed irresistable.

I renewed my studies with increased ardor, and soon declared that I could make *steam waggons*, and endeavored to communicate my ideas to others; but however practicable the thing appeared to me, my object only excited the ridicule of those to whom it was made known. But I persevered in my belief, and confirmed it by experiments that satisfied me of its reality.

In the year 1786 I petitioned the legislature of *Pennsylvania* for the exclusive right to use my improvements in flour mills, as also steam waggons, in that state. The committee to whom the petition was referred heard me very patiently while I described the *mill* improvements, but my representations concerning *steam waggons* made them think me insane. They, however, reported favorably respecting my improvements in the manufacture of flour, and passed an act granting me the exclusive use of them as prayed for. This act is dated March ——, 1787. But no notice is taken of the steam waggons.

A similar petition was also presented to the legislature of *Maryland*. Mr. *Jesse Hollingsworth*, from *Baltimore*, was one of the committee appointed to hear me, and report on the case. I candidly informed this committee of the fate of my application to the legislature of *Pennsylvania* respecting the steam waggons—declaring, at the same time, without the encouragement prayed for, I would never attempt to make them; but that, if they would secure to me the right as requested, I would, as soon as I could, apply the principle to practice; and I explained to them the great elastic power of steam, as well as my mode of applying it to propel waggons. Mr. *Hollingsworth* very prudently observed, that the grant could injure no one, for he did not think that any man in the world had thought of of such a thing before: he therefore wished the encouragement might be afforded, as there was a prospect that it would produce something useful. This kind of argument had the desired effect, and a favorable report was made, May 21, 1787, granting to me, my heirs and assigns, for 14 years, the exclusive right to make and use my improvements in flour mills and the steam waggons, in that state. From that period I have felt myself bound in honor to the state of *Maryland* to produce a steam waggon, as soon as I could conveniently do it.

In the year 1789, I paid a visit to *Benjamin Chandlee* and sons, clockmakers, men celebrated for their ingenuity, with a view to induce them to join me in the expence and profits of the project. I shewed to them my draughts with the plan of the engine, and explained the expansive power of steam: all which they appeared to understand, but fearful of the expence and difficulties attending it.

declined the concern. However they certified that I had shewn to them the drawings and explained the powers, &c.

In the same year, I went to *Ellicott's* mills on the *Patapsco*, near *Baltimore*, for the purpose of persuading Messrs. *Jonathan Ellicott* and brothers, and connections (who were equally famous for their ingenuity,) to join me in the expence and profits of making and using steam waggons. I also shewed to them my drawings, and minutely explained to them the powers of steam. They appeared fully to comprehend all I said, and in return informed me of some experiments they themselves had made, one of which they shewed me. They placed a gun-barrel, having a hollow arm, with a small hole on one side at the end of the arm, similar to *Barker's* rotary tube mill, as described in the books; a gill of water put into this barrel, with fire applied to the breech, caused the steam to issue from the end of the arm with such force as, by reaction, to cause the machine to revolve, as I judged, about one thousand times in a minute, for the space of about five minutes, and with considerable force for so small a machine. I tarried here two days (May 10 and 11, 1789) using my best efforts to convince them of the possibility and practicability of propelling waggons, on good turnpike roads, by the great elastic power of steam. But they also feared the expence and difficulty of the execution, and declined the proposition. Yet they heartily esteemed my improvements in the manufacture of flour, and adopted them in their mills, as well as recommended them to others.

In the same year I communicated my project and explained my principles, to *Levi Hollingsworth*, Esq. now a merchant in Baltimore.* He appeared to understand them; but also declined a partnership in the scheme, for the same reasons as the former.

From the time of my discovering the principles and the means of applying them, I often endeavored to communicate them to those I believed might be interested in their application to waggons or boats. But very few could understand my explanations, and I could find no one willing to risque the expence of the experiment.

In the year 1785 or 6, before I had petitioned the legislatures, I fell in company with Mr. Sam. Jackson, of Redstone; and learning of him that he resided on the western waters, I endeavored to impress upon his mind the great utility and high importance of *steam boats*, to be propelled on them; telling him that I had discovered a steam engine so powerful according to its weight, that it would, by means of *paddle wheels* (which I described to him) readily drive a vessel against the current of those waters with so great speed as to be highly beneficial. Mr. Jackson proves that he understood me well, for he has lately written letters, declaring that about twenty six years before their date, I did describe to him the principles of the steam engine that I have since put into operation to drive mills, which he has seen—and that I also explained to him my plan for propelling boats by my steam engine, with *paddle wheels*, describing the very kind of wheels now used for this purpose; and that I then declared to him my intention to apply my engine to this particular object as soon as my pecuniary circumstances would permit.

In the year 1800 or 1801, never having found a man willing to contribute to the expence, or even to encourage me to risque it myself, it occurred to me that though I was then in full health, I might be suddenly carried off by the yellow fever, that had so often visited our city (Philadelphia) or by some other disease or casualty to which all are liable, and that I had not yet discharged my debt of honor to the state of *Maryland* by producing the steam waggon. I determined, therefore, to set to work the next day and construct one. I first waited upon *Robert Patterson*, esq. professor of mathematics in the university of Pennsylvania, and explained to him my principles, as I also did to Mr. *Charles Taylor*, steam engineer, from England. They both declared these principles to be new to them, and highly worthy of a fair experiment, advising me without delay to prove them: in hopes I might produce a more simple, cheap and powerful steam engine than any in use. These gentlemen were the only persons who had such confidence, or afforded me such advice. I also communicated my plans to *B. H. Latrobe*, esq. at the same time; who publicly pronounced them chimerical, and attempted to demonstrate the absurdity of my principles, in his report to the *Philosophical society of Pennsylvania* on steam engines; in which same report he also attempts to shew the impossibility of making steam boats useful, on account of the weight of the engine; and I was one of the persons alluded to, as being seized with the *steam mania*, conceiving that wag-

* I certify that OLIVER EVANS did about the year 1789, communicate a project to me, of propelling land carriages by power of steam, and did solicit me to join him in the costs and profits of the same.

LEVI HOLLINGSWORTH.

Baltimore, November 16, 1812.

I do certify, that some time about the year 1781, 31 years ago, OLIVER EVANS, in conversation with me, declared, that by the power of steam he could drive any thing—waggons, mills or vessels forward, by the same power, &c. ENOCH ANDERSON.

November, 15, 1812.

gons and boats could be propelled by steam engines. The liberality of the members of the society caused them to reject that part of his report which he designed as demonstrative of the absurdity of my principles; saying they had no right to set up their opinion as a stumbling block in the road of any exertions to make a discovery. They said, I might produce something useful, and ordered it to be stricken out. What a pity they did not also reject his demonstrations respecting steam boats! for notwitstanding them, they have run, are now running, and will run: so has my engine and all its principles, completely succeeded—and so will land carriages, as soon as these principles are applied to them, as explained to the legislature of *Maryland* in 1787, and to others long before.

In consequence of the determination above alluded to, I hired hands and went to work to make a steam waggon, and had made considerable progress in the undertaking, when the thought struck me that as my steam engine was entirely different in form as well as in its principles from all others in use, that I could get a patent for it, and apply it to mills more profitably than to waggons; for until now I apprehended that as steam mills had been used in England, I could only obtain a patent for waggons and boats. I stopped the work immediately, and discharged my hands, until I could arrange my engine for mills, laying aside the steam waggon for a time of more leisure.

Two weeks afterwards, I commenced the construction of a small engine for a mill to grind plaister of Paris—the cylinder six inches in diameter, and stroke of the piston eighteen inches—believing that with $ 1000 I could fully try the experiment. But before I was done with experiments, I found that I had expended $ 3,700—all that I could command. I had now to begin the world anew at the age of forty-eight, with a large family to support. I had calculated that if I failed in my experiment, the credit I had would be entirely lost; and without money or credit, at my advanced age, with many heavy encumbrances, my way through life appeared dark and gloomy indeed. But I succeeded perfectly with my little engine, and preserved my credit. I could break and grind 300 bushels of plaister of Paris, or 12 tons, in 24 hours; and to shew its operations more fully to the public, I applied it to saw stone on the side of Market-street, where the driving of twelve saws, in heavy frames, sawing at the rate of 100 feet of marble stone in 12 hours, made a great shew, and excited much attention. I thought this was sufficient to convince the thousands of spectators of the utility of my discovery: but I frequently heard them enquire if the power could be applied to saw timber as well as stone, to grind grain, propell boats, &c. and though I answered in the affirmative, I found they still doubted. I therefore determined to apply my engine to all new uses to introduce it and them to the public.

This experiment completely tested the correctness of my principles, according to my most sanguine hopes. The power of my engine rises in a geometrical proportion, while the consumption of fuel has only an arithmetical ratio; in such proportion that every time I added one fourth more to the consumption of fuel, the powers of the engine were doubled; and that twice the quantity of fuel required to drive one saw would drive 16 saws, at least; for when I drove two saws the consumption was 8 bushels [coal] in 12 hours, but when twelve saws were driven, the consumption was not more than 10 bushels; so that the more we resist the steam the greater is the effect of the engine. On these principles, very light, but powerful engines, can be made, suitable for propelling boats and land carriages, without the great incumbrance of their own weight, as mentioned in Mr. *Latrobe's* demonstrations.

In the year 1804, I constructed at my works, situate a mile and a half from the water, by order of the board of health of the city of Philadelphia, a machine for cleansing docks. It consisted of a large flatt, or scow, with a steam engine of the power of five horses on board, to work machinery to raise the mud into flatts. This was a fine opportunity to shew the public that my engine could propell both land and water carriages, and I resolved to do it. When the work was finished, I put wheels under it; and though it was equal in weight to *two hundred barrels of flour*, and the wheels fixed with wooden axletrees, for this temporary purpose, in a very rough manner, and with great friction, of course, yet with this small engine I transported my great burthen to the *Schuylkill* with ease; and, when it was launched in the water, I fixed a paddle wheel at the stern, and drove it down the *Schuylkill* to the *Delaware*, and up the *Delaware* to the city, leaving all the vessels going up behind me, at least, half way; the wind being a-head.

Some wise men undertook to ridicule my experiment of propelling this great weight on land, because the motion was too slow to be useful. I silenced them by answering, that I would make a carriage, to be propelled by steam, for a bet of $3000, to run upon a level road against the swiftest horse they would produce. I was then as confident, as I am now, that such velocity could be given to carriages.

Having no doubt of the great utility of steam carriages on good turnpike roads, with proper arrangements for supplying them with water and fuel, and believing that all turnpike

companies were deeply interested in putting them into operation, because they would smooth and mend the roads, instead of injuring them as the narrow wheels do, on the 26th of September, 1804, I submitted to the consideration of the Lancaster turnpike company, a statement of the costs and profits of a steam carriage to carry 100 barrels of flour, 50 miles in 24 hours—tending to shew, that one such steam carriage would make more nett profits than 10 waggons drawn by five horses each, on a good turnpike road, and offering to build such a carriage at a very low price. My address closed as follows:

"It is too much for an individual to put in operation, every improvement which he may invent.

"I have no doubt but that my engines will propell boats against the current of the Mississippi, and waggons on turnpike roads, with great profit. I now call upon those whose interest it is, to carry this invention into effect All which is respectfully submitted for your consideration."

In the year 1805, I published a book describing the principles of my steam engine, with directions for working it, when applied to propell boats against the current of the *Mississippi*, and carriages on turnpike roads. And I am still willing to make a steam carriage that will run 15 miles an hour, on good level rail ways, on condition that I have double price if it shall run with that velocity, and nothing for it, if it shall not come up to that velocity. What can an inventor do more than to insure the performance of his inventions? Or, I will make the engine and apparatus, at a fair price, and *warrant* its utility for the purpose of conveying heavy burthens on good turnpike roads.

I feel it just to declare that, with Mr. *Latrobe*, I myself did believe, that with the ponderous and feeble steam engine, now used in boats, they could never be made useful in competition with sail boats, or to ascend the *Mississippi*, esteeming the current more powful than it is. But I rejoice that, with him I have been mistaken; for I have lived to see boats succeed well with those engines; and I still hope to see them so completely excelled and out-run by using my engines, as to induce the proprietors to exchange the old for the new, more cheap and more powerful principles.

I have been highly delighted in reading a correspondence between *John Stevens*, esq. and the commissioners appointed by the legislature of *New-York*, for fixing on the scite of the great canal proposed to be cut in that state. Mr. *Stevens* has taken a most comprehensive and very ingenious view of this important subject, and his plan of rail-ways for the carriages to run upon, removes all the difficulties that remained. I have had the pleasure, also, of hearing gentlemen of the keenest penetration, and of great mechanical and philosophical talents, freely give into the belief that steam carriages will become very useful. Mr *John Ellicot* (of John) proposed to make roads of substances, such as the best turnpikes are made with, with a path for each wheel to run on, having a rail-way on posts in the middle to guide the tongue of the waggon, and to prevent any other carriage from travelling on it. Then, if the wheels were made broad and the paths smooth, there would be very little wear. Such roads might be cheaply made; they would last a long time and require very little repair. Such roads, I am inclined to believe, ought to be preferred, in the first instance, to those proposed by Mr. *Stevens;* as two ways could be made, in some parts of the country, for the same expense as one could be with wood. But either of the modes would answer the purpose, and the carriages might travel by night as well as in the day.

When we reflect upon the obstinate opposition that has been made by a great majority to every step towards improvement; from bad roads to turnpikes, from turnpikes to canals, from canals to rail-ways for horse carriages, it is too much to expect the monstrous leap from bad roads to rail-ways for steam carriages, at once. One step in a generation is all that we can hope for. If the present shall adopt canals, the next may try the rail-ways with horses, and the third generation use the steam carriages.

But why may not the present generation, who have already good turnpikes, make the experiment of using steam carriages upon them? They will assuredly effect the movement of heavy burthens, with a slow motion, of two and a half miles an hour; and as their progress need not be interrupted, they may travel fifty or sixty miles in the 24 hours.—This is all that I hope to see in my time, and though I never expect to be concerned in any business requiring the regular transportation of heavy burthens, [on land] because if I am connected in the affairs of a mill it shall be driven by steam, and placed on some navigable water, to save land carriage—yet I certainly intend as soon as I can make it convenient, to build a steam carriage that will run on good turnpike roads, on my own account, if no other person will engage in it; and I do verily believe that the time will come when carriages propelled by steam will be in *general use*, as well for the transportation of passengers as goods, travelling at the rate of fifteen miles an hour, or 300 miles per day.

It appears necessary to give the reader some idea of the principles of the steam engine which is to produce such novel and

strange effects; and this I will endeavor to do in as few words as I can, by shewing the extent to which the principles are applied already.

To make steam as irresistable, or powerful as gunpowder, we have only to confine and increase the heat by fuel to the boiler. A steam engine with a working cylinder only nine inches in diameter, and a stroke of the piston three feet, will exert a power sufficient to lift from 3,000 to 10,000 pounds perpendicularly, two and a half miles per hour. This power applied to propell a carriage on level roads or rail-ways, would drive a very great weight with much velocity, before the friction of the axle-tree or resistance of the atmosphere would balance it.

This is not speculative theory. The principles are now in practice, driving a saw-mill at *Manchacks* on the Mississippi; two at *Natchez*, one of which is capable of sawing 5000 feet of boards in 12 hours; a mill at *Pittsburgh*, able to grind 20 bushels of grain per hour; one at *Marrietta* of equal powers; one at *Lexington*, (Ky.) of the same powers; one, a paper mill, of the same; one of one fourth the power at *Pittsburgh;* one at the same place of 3½ times the power, for the forge, and for rolling and splitting sheet iron; one of the power of 24 horses at *Middletown*, (Con.) driving the machinery of a cloth manufactory; two at *Philadelphia* of the power of five or six horses, and many making for different purposes; the principles applying to all purposes where power is wanted.

OLIVER EVANS.

Ellicott's Mills on the Patapsco,
Nov. 13, 1812.

A new Fire Engine.—Make a small engine of tin and leather, to contain one cubit foot, or 6 gallons of water, which weighs 62½ lbs. with a piston to project the water through a pipe to be guided by the hand. This may be carried by a man on his breast, hung by straps round his neck and must have two stirrups pending from the lower end of the piston rod.

Fifty men thus equipped, who would on an alarm, proceed immediately to the fire, and on their way fill their engines and ascend to the roof, or upper loft, or as the case may be, to come near the fire; then by stooping and putting their feet in the stirrups, and straightening themselves, they might exert such force as to eject the water thirty feet, horizontally, or fifteen feet perpendicularly, to strike the burning materials. Three hundred gallons of water, early applied and so immediately powerful to the spot wanting it, would extinguish most fires before the great engines could get into play. But the great engines must be preserved, and used on other occasion. O. E.

Extract from the (Philadelphia) Democratic Press of January 28, 1813.

"An experiment was lately made in Charles River, near Boston, to shew the velocity of a steam boat, constructed for the conveyance of passengers, &c. in the Middlesex canal. The boat was driven seven miles and six furlongs in sixty minutes; and there is no doubt by the best informed that it will go nine miles."

The steam engine in the said boat was constructed by Oliver Evans on his improved principles adapted to the purpose of propelling boats and land carriages; and which he is convinced, will propel boats ten miles and upwards per hour, through still water.

Of the Mill Improvements.

THE FOLLOWING PETITION WAS PRESENTED AT THE 1ST SESSION OF 9TH CONGRESS—1807—8.

To the honorable the
Congress of the U. States.

The petition of OLIVER EVANS humbly sheweth, that your petitioner, in pursuance of the act of congress, entitled "An act to promote the progress of the useful arts," obtained a patent for his improvements in the art of manufacturing flour and meal, well known to be useful in this country.

That relying on the validity of his said patent, your petitioner expended much in publishing and disseminating his said improvements, travelling either himself or by his agents, for 13 years in the United States, from state to state, and from mill to mill, to instruct workmen to make, and millers to use his said improvements. And in this way has been expended the small fees which he received from those who have generously and freely paid for his license to use his said improvements. That many others have, without his license, and contrary to the true intent of the said act, constructed and used his said improvements, and continue to withhold from your petitioner, all the profits of his labors as well as all the rewards which the said act contemplated to secure to him for his useful discovery.

Your petitioner did appeal to the laws for redress against these intruders of his rights, and a case being brought before the honorable the judges of the circuit court of the United States, for the Pennsylvania district, he there pleading his exclusive right to his improvements by virtue of his patent: But the validity of his patent was there and then disputed by the defendants, and after a patient hearing of the arguments on both sides, and a full investigation having been made, the honorable judges did unanimously agree in a decision, that your petitioner's patent being deficient in form, is insufficient, invalid and void of itself, and thus your petitioner, without any fault on his part, is deprived of all means of recover-

ing what is so justly due to him. The above decision having been made at Philadelphia on the 23d day of October, 1807, your petitioner's counsel instructed him to proceed without delay to obtain a good patent for his said improvements, to be of due form and good in law, to which your petitioner is justly entitled, having on his part, in the first instance, performed all that was required of him by the said act; but has never received a patent securing to him his rights as intended by the said act. Your petitioner proceeding accordingly, has paid thirty dollars into the treasury of the United States, presented his petition to the secretary of state, filed specifications, explanations and drawings of his original improvements, including also the additional improvements that he has made thereon, in the office of the secretary of state, agreeably to the said act. But, to the great disappointment and mortification of your petitioner, the secretary of state is of opinion, that he is not authorised to grant the patent, and your petitioner is left without remedy. Your petitioner prays that the secretary of state be authorised to grant the patent, or such other relief as the justice of his case, and the utility of his improvements merit, and the public good require—such as you in your wisdom shall deem right: and your petitioner will, as he shall be enabled, and it may become his interest, put in operation other more useful improvements by him invented and discovered: part of which he attempted to make known some time ago, by publishing their principles in a new work.

(Signed) OLIVER EVANS.

AN ACT FOR THE RELIEF OF OLIVER EVANS.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the secretary of state on application in writing by Oliver Evans, to cause letters patent to be made out in the manner prescribed by the act entitled, "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," thereby granting to said Oliver Evans, his heirs, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery and improvements in the art of manufacturing flour and meal, and in the several machines, which he has discovered, invented, improved and applied to that purpose: *Provided*, That no person who may have heretofore paid the said Oliver Evans for license to use his said improvements shall be obliged to renew said license, or be subject to damages for not renewing the same: *And provided also*, That no person who shall have used the said improvements or have erected the same for use, before the issuing of the said patent, shall be liable to damages therefor.

J. B. VARNUM,
Speaker of the House of Representatives.
GEO. CLINTON,
Vice-President of the United States, and President of the Senate.

January 21, 1808.

APPROVED, TH. JEFFERSON.

[Laws of the U. States—vol. 9, chap. xiii. p. 20.]

OLIVER EVANS, Plaintiff, *vs.* SAMUEL ROBINSON, Def't. } *Circuit court for the 4th circuit of the United States, Maryland district, November term, 1812.*

This was an action on the the case, for the infringement of a patent right.

The declaration contained four counts.—the *first* recited the substance of the act of congress, entitled "an act for the relief of Oliver Evans," passed 21st January, 1808; of the petition of the patentee to the secretary of state; of the specification and description of the invention annexed to the petition, and of the letters patent and schedule making part thereof. It also contained a concise statement of the plaintiff's improvements in the art of manufacturing flour and meal; which comprehend certain principles, made to operate through the agency of various machines. The first principle consists in the subdivision of the grain or any granulated or pulverized substance, in elevating and conveying the same from place to place, in small, separate parcels, in spreading, stirring, turning & gathering the same, by regular and constant motion, so as to subject the same to artificial heat and the full action of the air to cool and dry the same, when necessary to avoid danger from fermentation, and to prevent insects from depositing their eggs during the progress of the manufacture. The second principle consists in the application of the power which moves the mill or other principal machine to work any machinery; which may be used to apply the same principles or perform the said operations by constant motion and rotation to save expense and labor. It proceeded to state that the machinery invented and used for applying the aforesaid principles consisted of an improved *elevator*, an improved *conveyor*, an improved *hopper boy*, an improved *drill*, and an improved *kiln dryer*. This count further alleged that the plaintiff had complied with the several provisions prescribed by the acts of congress on the subject of patent rights—and concluded with stating the breach to consist in the defendant's having used the plaintiff's said improvements, without a licence. The *second* count stated the breach to consist in using machines, which were an *imitation and resemblance* of those invented by the plaintiff. The *third* stated the breach to con-

sist in using *part of the said improvements*, to wit, the *elevator*, *conveyor*, *hopper boy*, and *drill*. And the *fourth* stated the breach to consist in using *part of said improvements, &c.*

The defendant put in the plea of *not guilty*.

No notice was given by the defendant of an intention to prove any special matter; but the want of notice was waved by the plaintiff, and the range of testimony was agreed to be unlimited.

The plaintiff, having produced in evidence, the act passed for his relief, and the patent issued in conformity thereto, proved notice thereof to the defendant prior to the breach complained of; and that the defendant used the elevator, conveyor and hopper boy invented by the plaintiff, in his mill in Montgomery county, Maryland, driving one pair of mill stones, and grinding twelve barrels of flour in twenty-four hours.—The witnesses on both sides, who knew any thing of the origin or progress of the discovery, united in proving that the plaintiff was the original inventor of his patented improvements; and all bore testimony to the immense utility and admirable perfection of the invention.

Messrs. *Pinkney*, *Harper* and *Williams* were counsel for the plaintiff.

Messrs. *Martin*, *Purviance*, *Dorsey* and *Pendleton* were counsel for the defendant.

This case was elaborately, learnedly and eloquently argued. The leading cases on patent rights for new inventions were adduced; and the law on that subject fully discussed. Any attempt to report some of the arguments, pronounced on the occasion, would afford a very inadequate conception of their force and brilliancy. On the part of the plaintiff, they convinced and delighted all who heard them. They demonstrated conclusively his right, as inventor, to his patented improvements; depicted in severe and glowing colors the depravity and baseness of those who had combined to defraud him of the fruits of his ingenuity; maintained his claims and pretensions beyond all controversy, and established his genius and merits on an exalted and triumphant eminence.

The following brief statement was furnished to Mr. Oliver Evans, by his counsel, for the purpose of exhibiting to the Committees of Congress, appointed on the subject of his patent right—The Hon. Judge Duvall, in his testimony, before the committee of the Senate of the United States, confirmed it; and has observed that he did not consider this representation so full in favor of Mr. Evans, as the evidence warranted:

At the last (November) term of the circuit court of the United States, in Baltimore, several actions came to trial, which had been brought by Oliver Evans against different persons, for infringing his patent right, by using his mill machinery without his permission.

The millers near Baltimore, with the Ellicotts and Tysons at their head, made common cause with the defendants. The defence set up was that Evans was not the original inventor of the machines, for which he had obtained the patent. To support this defence witnesses were summoned from various and distant places, particularly from the neighborhood of Christiana, in the state of Delaware, where Evans resided at the time when, as he alleges, the invention took place. The causes were twice continued, on the application of the defendants, to give them an opportunity of procuring the attendance of all their witnesses All did attend at the trial.

The machines in question were, the conveyor, the elevator and the hopperboy. Evans' patent included others, but they are not in general use, and had not been used by the defendants. As to the conveyor, the proof was, that Jonathan Ellicott, previous to the invention of Oliver Evans, had invented and used a machine something like the conveyor of Evans; but it was proved, on the part of Evans, that his conveyor differed essentially from that of Ellicott, was an improvement on it, and was much better adapted to the purpose to which Evans applied it. It was also proved, that Ellicott had never applied his machine to that purpose, until the application was made and practised by Evans; who, consequently, not only improved the machine in a new and useful manner, but invented a new and useful application of it, when so improved; making thereby a new and useful improvement in the art of manufacturing flour.

The elevator came next in question—Here the defendant gave evidence of various hydraulic machines, something resembling an elevator, that had formerly been used in Europe, or proposed to be used, for raising water; but it appeared that none of those machines had ever been applied to the raising of meal or grain, or were fit for that purpose. The elevator of Evans was essentially different, and a great improvement, which was not only applied to this new purpose, in the manufacture of flour, but was extremely useful for that purpose. They then produced a miller, from the state of Delaware, of the name of Stroud, who, after Evans told him grain and flour might be raised by a machine, did, in fact, make an elevator similar to that of Evans, though not complete. But Stroud declared, that he never should have thought of it but for the information he received from Evans; and it was proved on the part of Evans, that he had invented his elevator and made a complete model of it before Stroud's was made. On this head Stroud was so well satisfied that he purchased a license from Evans to use his elevator, together with his other improvements.

As to the hopperboy—The defendant gave evidence, that some millers, in Delaware, of the name of Marshall, having heard of Evans' discoveries (which were kept concealed) invented and attempted to use a very imperfect machine, for the purpose to which Evans applied his hopperboy. But the Marshalls, who were produced as witnesses, proved that their machine did not answer the purpose, on account of several essential defects in its principle and construction, and that as soon as that of Evans, which was very different and very complete, made its appearance, they adopted it, by license from him, and threw aside their own. All these machines were admirably combined in an original and useful manner by the patentee.

The defendants thus defeated on the evidence, next attacked the case on the construction, and even the constitutionality of the act of congress; but the court, composed of Mr. Duvall, a judge of the supreme court, and Mr. Houston, the district judge, decided against them on every point. They then gave up the defence, and confined all their evidence to the mitigation of damages. The jury found a ver-

dict of $1850 for the plaintiff in the first case, who declined demanding the treble damages allowed by law. The defendants in all the subsequent cases which came to trial, to the number of four, confined themselves entirely to excuses in mitigation of damages. In all the cases there were verdicts for the plaintiff, with ample damages, which gave universal satisfaction.

The special act of congress, it will be observed, under which the patent, in controversy, was granted, gives a right of action againstsuch persons only as have used, since its passage, or may hereafter usethe machines, withouthaving purchased license therefor. All who paid under the former defective patent are expressly protected; nor can there be any recovery for using the machines prior to the present patent, even without having paid for them. The special act is not retrospective in its operation, or in the construction put upon it by the patentee and his counsel.

Evans, to shew the utility, as well as originality of his improvements, produced at the trial many respectable witnesses, and read the following certificate from the Messrs. Ellicotts, near Baltimore, the most skillful millwrights,and experienced millers in this, or perhaps any part of the United States:

"We do certify that we have erected Oliver Evans' "new invented mode of elevating, conveying and "cooling meal, &c. As far as we have experienced, "we have found them to answer a valuable purpose, "well worthy the attention of any person concerned "in merchant or even extensive country mills, who "wishes to lessen the labor and expense of manufacturing wheat into flour.

(Signed) JOHN ELLICOTT,
JONATHAN ELLICOTT,
GEORGE ELLICOTT,
NATHANIEL ELLICOTT."

Ellicott's mills, Baltimore county,
State of Maryland, Aug. 4, 1790.

Respecting the utility of these machines and improvements, it was fully proved, that in a mill which can manufacture twenty barrels of flour a day, they save at least $300 a year, in labor alone; that the operation is more perfectly performed and with less waste; that more work can be done by the same mill, and a larger proportion of superfine flour produced from a given quantity of wheat, equal to, at least, fifty cents gain to the miller on each barrel; that the saving upon the whole, in such a mill, upon the most moderate computation, amounts to $1200 a year, probably much more; and that no mill, without these improvements, can be employed in competition with such as have them.

We were counsel for Mr. Oliver Evans in these cases, and have given this statement at his request. We certify it to be true and have no doubt that the Judges, who heard the causes, if applied to, will confirm it. ROBERT G. HARPER,
NATHANIEL WILLIAMS.

Baltimore, January 16, 1813.

Copy of a note addressed by Wm. Pinkney, esq. attorney-general of the United States, one of Mr. Evans' counsel, to Mr. Williams.

BALTIMORE, *January* 19, 1812.

DEAR SIR—I find the statement signed by you and Mr. Harper, relating to the trials, at the last session of the circuit court, for Maryland, of Mr. Oliver Evans' cases, to be perfectly correct; and you are at liberty, if you think fit, to make use of this note as a proof of my entire concurrence in that statement.

I am, dear sir, your faithful and obedient servant,
(Signed) WILLIAM PINKNEY.

Nathaniel Williams, Esq.

In the progress of this cause, the defendant's counsul contended, before the court—

That the letters patent granted in this case, were not conformably with the act of congress, passed for the plaintiff's relief.—That the declaration did not correspond with the proof, as, in the construction of the defendant's counsel, the breach was alleged to consist in the use of machines, whereas the patent comprehended the discovery of principles, as well as machines.—That the plaintiff was not entitled to a patent for the conveyor, inasmuch as J. Ellicott had previously invented a screw tomix flour, although the plaintiff's conveyor was differently constructed from Ellicott's screw, and applied to different purpose.—That the defendant was not liable to pay for using the machinery in question, it having been erected before the passage of the special act, or the grant of letters patent to the plaintiff, and after the expiration of the former letters patent, when it was not unlawful to erect or use the same.—And lastly, that the act for Oliver Evans' relief was *expost facto;* that it impaired the obligation of contracts, and was therefore unconstitutional; he having obtained letters patent in 1790 for the same improvements, which had expired before the act aforesaid was passed; it not altering the case that the first patent was declared, judicially, to be null and void for defect of form.

The *court* (judges Duvall and Houston) declared, that the letters patent in controversy, were issued conformable to law. That the declaration was good and sufficient to maintain the plaintiff's case, as established in proof; some of the courts alleging that the defendant used the patented improvements generally, and others, part of the improvements. That the plaintiff's conveyor being a new and useful improvement on the continued spiral screw, and applied to a new and useful purpose, entitled him to a patent for his improved conveyor.—That the second proviso in the act for Evans' relief, passed the twenty-first of January, 1808, protected the defendant from any liability to pay damages for using the machinery without a license, previous to the granting of the patent, but not for any subsequent use. And that in the opinion of the court, the act referred to, is not an expost facto law, for that relates to criminal cases only; that it does not impair the obligation of contracts, or interfere with any rights previously acquired by the community; that on the contrary, the legislature has evinced its attention to individual rights, by exempting, in a special proviso, all persons from the obligation to renew a license, purchased under the former patent; that congress have the exclusive right by the constitution, to limit the times for which a patent right shall be granted, and are not restrained from renewing a

patent or prolonging the time of its continuance:—more especially in the present case, where the patent granted in the first instance had been decided, by judicial authority, to be null and void, on account of some defect in the patent.

The jury brought in a verdict of *eighteen hundred and fifty dollars* damages.

N. B. These damages were given for four years and nine month's use of the machinery, covering all the time, by consent of parties, up to the period of trial; and for the right to use the machinery in future without limitation of time.

The second case which was tried, was against Charles C. Jones, in which the verdict was for *one thousand dollars*, damages;—with the same agreement, as to license, as in the preceding verdict.

The following concise notice appeared in the papers, shortly after the termination of Evans' suits.

IMPORTANT LAW CASE.

On the 3d of December, 1812, came on an interesting trial before judges Duval and Houston, in the circuit court of the United States, for the Maryland district, between Oliver Evans, plaintiff, and Samuel Robinson, defendant, which continued four days.

Messrs. Pinkney, Harper and Williams were counsel for the plaintiff.

Messrs. Martin, Purviance, Dorsey and Pendleton were counsel for the defendant.

The controversy arose on an infringement by the defendant of a *patent right* secured to the plaintiff under a special act of congress, for his improvements in the art of manufacturing flour and meal, and in certain machines which he had invented, improved, and applied to that purpose—Which machines are called, an elevator, conveyor, hopperboy, &c. Various questions of law were raised by the defendant's counsel on the constitutionality of the law, the regularity of the patent, the pleadings in the case, &c. all which were decided in favor of the plaintiff. Witnesses were collected from distant and various places with a view to prove that the plaintiff was not the original inventor of the improvements for which he had obtained a patent or of some part of them. And sundry plates representing hydraulick machines, which were heretofore in use, and in some degree resembling the plaintiff's elevater, were produced for the purpose of shewing that he was not the inventor of that machine.

But he succeeded in establishing his pretensions to that and every other part of his patented improvements, including his conveyor, the invention of which was contested with him by Mr. Jonathan Ellicott. And he proved that his inventions in the art of milling, caused a saving of one half the labor; manufactured the flour better; and produced moreover a gain in the quantity equal to at least *fifty cents* on each barrel; besides various other profits and advantages.

At the close of the trial the defendant's counsel abandoned the defence, as untenable, and addressed the jury briefly on the subject of damages.

Great ingenuity, learning and eloquence were displayed in the progress of the cause. And the distinguished genius and merits of the patentee were rendered conspicuous and convincing by the testimony and arguments adduced. The jury brought in a verdict of $1,850 damages.

[The defendant's mill is situated in Montgomery county, does not work all the year, grinds twelve barrels per day, and has the machinery to one pair of stones only.

There were verdicts in three other cases, with ample damages, which appeared to give universal satisfaction.]

THE MEMORIAL OF JOHN WORTHINGTON, ELISHA TYSON AND OTHERS AGAINST OLIVER EVANS.

To the Senate and House of Representatives of the United States of America.

Your memorialists humbly beg leave to represent—That your honorable body, on the 21st of January, 1808, passed an act authorising the secretary of state, "on application in writing of Oliver Evans, to cause letters patent to be made out in the manner and form prescribed by the act entited, 'an act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose,' thereby granting to said Oliver Evans, his heir, executors, administrators and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to be used, his invention, discovery and improvements in the art of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved and applied to that purpose."—That letters patent did accordingly issue, which are now in full operation; and that, by means of them, the patentee is exercising a most grievous oppression over the citizens of the United States; more especially, over those who are immediately engaged in the manufacture of flour.

Your memorialists, in any ordinary case, would be the last to remonstrate against benefits which the legislature of their country might think proper to confer upon any individual; but believing, as they do, that your honorable body, when you consented to pass the act of January, 1808, in favor of Mr. Evans, were deceived by artful representations of merit; and knowing also that Mr. Evans has used his patent for purposes in which it could never have been intended to give him aid, your memorialists feel confidently assured, that congress will not hesitate to reconsider the grounds of their former grant, and to do impartial justice between Mr. Evans and the rest of his fellow-citizens.

Your memorialists have understood, and they have no doubt of the fact, that when congress undertook to renew Mr. Evans' monopoly, they were industriously made to believe that he was the inventor of all the machines for which he solicited and obtained his patent. In this your honorable body were most grossly deceived. Many of your memorialists have

just witnessed the progress of several trials that took place at the last term of the circuit court at Baltimore, in actions instituted by Mr. Evans for infringment on his patent rights; although the result of those trials was such as must give alarm to every man who has dared to think of opposing this exorbitant monopolist, yet did they prove most incontestibly, by the investigations to which they led, that Mr. Evans was not the original inventor of any one of his patented machines. Your memorialists entreat the patience of your honorable body, while they briefly detail the testimony relating to this question, such as it appeared before the circuit court, and such as it can again be exhibited whenever your honorable body may think proper to require it. The machines which form the subject of Mr. Evans' patent, are the "conveyor," the "elevator," the "hopperboy" and the "drill." For greater perspicuity we will state the testimony as applied to each machine in successive order.

1st, The conveyor—It was proved that Jonathan Ellicott, of Baltimore county, was the first inventor of this machine. He had it erected in his mill some time before the year 1786, and applied it to all its present uses. He shewed it to Oliver Evans, who was highly pleased with its operation. He said, it was all that was necessary to complete his machinery; that he had long desired to have such a machine but could not devise one; and finally, in consideration that Jonathan Ellicott would permit him to attach it to his elevator and hopperboy, Oliver Evans gave him a perpetual license to use the last.

2d, The elevator—This machine has been invented nearly a century and a half. There are books, a hundred years old, that exhibit it (applied to hydraulic purposes.) The same in principle, form, dimensions and materials with the elevators now claimed by Oliver Evans as his original invention.

3d, The hopperboy—A machine upon the same principle with Oliver Evans' alledged hopperboy, worked by the same power, acting in the same manner upon the meal, and producing the same effect, although not as beneficially, was invented by Edward Marshall, of Delaware, and set to work in his mill before the time of Oliver Evans' supposed discovery. Mr. Evans lived in the neighborhood of this invention.

4th, The drill—The invention of this machine did not come in question before the circuit court, but it is susceptible of undeniable proof that Jonathan Ellicott, before referred to, was the inventor of it as well as the conveyor.

Thus it appears that Mr. Evans' merit as an inventor, in no respects, corresponds with the artful and imposing representations by which your honorable body were induced to grant him your protection for a second term of fourteen years. So far from having invented ALL these machines, he was not the original inventor of any one of them. Your memorialists, therefore, might here rest their petition; but they think it proper to notice the other grounds of Mr. Evans' pretensions. These are, first, that he has invented useful improvements in the structure of the several machines secured by his *patent;* and, secondly, that *he was* the first who applied those machines to their new use in mills.

The "conveyor" and "hopperboy" are the only machines in which Mr Evans will now attempt to shew that he has made any improvement. In the elevator and drill he has not made even an alteration.

1st. Then, of the conveyor—The *transvere flights,* form the alteration which he claims to have made in this machine. Even if Mr. Evans was the inventor of this alteration, its utility in the manufacture of flour is extremely questionable. Several most intelligent millers who were examined upon this subject, in the trials at Baltimore, were so much at a loss to discover the beneficial effect of this alteration, that they said they preferred the spiral conveyor. The great utility of this alteration is rendered still more questionable by the fact, that a large portion of the millers, even those who have paid Oliver Evans for the license of his patented machines, do not make use of the transverse flights. But your memorialists are convinced that Mr. Evans was not the author of this alteration. They will be able to show your honorable body that this improvement, like most of the improvements which Mr. Evans claims, was discovered by other persons, from whom he adopted it.

2dly. Of the hopperboy—Mr. Evans, as has been before stated, was not the original inventor of this machine. Your memorialists admit that he was the first who added the ropes, leading the horizontal arms around; and that this addition facilitates the operations of the machine. But, surely, it will not be contended that, upon this alteration, congress bottomed their grant. This improvement may have been sufficient to entitle Mr. Evans, under the general law, to a patent for the improvement, but for nothing else. It could not have entitled him to a patent for other machines which he never invented, nor improved; much less can it entitle him to an extension of his exclusive privilege beyond the usual term.

Your memorialists come now to the last ground of Mr. Evans' pretensions, "that he has the merit of having first applied those machines to their present use in mills." This ground was much narrowed by the trials, before referred to, in the circuit court at Baltimore. It was there shown that the conveyor, the hopperboy and the drill, were applied by their original inventors to all the purposes for which they are now used. The elevator is the only machine about which there can be the least doubt; and, to the minds of your memorialists, there are conclusive reasons for believing that Oliver Evans was not the person who first discovered the application of this machine to its present office, the raising of wheat and flour. Oliver Evans first exhibited his elevator, first informed the world that he had invented one, in the year 1787. Twelve or eighteen months before this time, James Stroud, of the state Delaware, had erected a perfect elevator in his mill.

Mr. Stroud, in the circuit court at Baltimore, related the history of his invention. Standing in his mill contemplating the machinery he then had in it, he observed that as the leather strap turning the *fan,* performed its revolutions, the buckle by which it was fastened would catch up a few grains of wheat below, carry them up with it, and empty them out at the top. The thought immediately occurred to him that a machine revolving like this strap, with buckets upon it, would completely perform the office of raising his wheat and flour. He constructed it accordingly, and found it perfect. This machine is what is now called "Evans's elevator." Your memorialists admit that a brother of Oliver Evans declared in the circuit court at Baltimore, that Oliver Evans had several years before this period invented precisely the same machine; and, that although he did not show it to the world by using it in his mill, yet he had it, and the model of it was locked up in a chest, and continued so locked up for several years. When this testimony comes before your honorable body, it will, no doubt, receive whatever credit, under all its circumstances, it may be entitled to. But your memorialists hope *they* will be pardoned for believing that there was some mistake in the matter.

Your memorialists have thus candidly detailed the testimony relating to Mr. Evans's patent. They feel assured that your honorable body, will discover in it abundant cause to take this subject again into consideration. Your memorialists, however, will take the liberty of suggesting other motives of great weight.

When congress consented to renew Mr. Evans's exclusive privilege in 1808, they could not have intended to give their law an *expost facto* operation.—Yet such has been the construction which our circuit courts have felt themselves constrained to give to the act of January 1808. In the circuit court at Philadelphia it has been decided by judges Washington and Peters, that even those who erected their machinery in the interval between the expiration of Mr. Evans's first patent in 1804 and its renewal in 1808, cannot continue to use them without a license under the second patent. The hardship of this construction is extreme. The United States abounds with mills in which the machinery was erected during that interval, when no law existed to prohibit it—when no man was aware of any right still remaining in Mr. Evans; and when the public thought they were enjoying a property for which they had already paid the price. But since this construction, persons who erected their machinery under those circumstances must either pull it down or subject themselves to actions for *treble damages*—or they must consent to pay whatever price the patentee may choose to demand for a license. As it regards his charges, your memorialists humbly state, that the act of renewal has imposed no limitation upon Mr. Evans; an omission of which he is availing himself most oppressively. During his first patent, while he was looking forward to his intended application for a renewal, Mr. Evans observed a very becoming moderation in his demands.

Thirty-three dollars was originally the price of his license to use his machinery in application to one water-wheel. But as soon as the act of 1808 had put the community in his power, he began to advance, from exaction to exaction, until he now demands about twenty times the amount of his former charge—and threatens that he will rise still higher. From one of your memorialists Mr. Evans has demanded *thirty-six hundred dollars* for his license.—This fact, while it shows how oppressively this patent bears upon individuals, will enable your honorable body to form some estimate of the enormous profits which he, the patentee, will derive from a general use of his machinery throughout the United States. Your memorialists will not consent to believe that congress intended to let Mr. Evans loose upon the community with so grievous, so despotic a power. They therefore, pray that your honorable body will again take this subject into consideration, that you may examine the grounds upon which Mr. Evans' patent issued, and do whatever, in your wisdom, you may think fit.

And your memorialists will ever pray, &c.

Baltimore, January 1, 1813.

THE COUNTER MEMORIAL.

To the Senate and House of Representatives of the United States.

The memorial of Oliver Evans respectfully sheweth, That your memorialist has been favored with a copy of the memorial of John Worthington and others, and of the evidence accompanying the same, which he has read with surprise; and your memorialist begs leave to declare that he believes he can yet prove every statement in the said memorial and evidence, tending to shew that your memorialist is not the original inventor of all and every one of the machines in their improved state, nor the original combiner and applier of them to produce the useful result of his great improvement on the art of manufacturing flour and meal, as patented to him, to be erroneous. But your memorialist did never expect to be put on this proof, more especially before congress, seeing that courts are appointed by law for deciding on such disputed points. Yet if required by the honorable congress, although most of his most intimate friends, to whom he communicated his discovery, years before he made it public, are dead, he believes he can find one in Queen Anne's county, Eastern Shore of Maryland, where your memorialist lived when he made the discovery; one living in New Castle county, Delaware: one in Mifflin county, Pennsylvania, and one in the city of Washington—viz. Evan Evans.

And to prove that he set up the machinery in his mill in part, on Red Clay Creek, New Castle county, and then made it public by presenting a subscription paper, setting forth the whole improvement, stating that in case the neighboring millers would subscribe a sufficient sum, your memorialist would make the improvement, which he has since done; but that on the millers refusing to subscribe any thing, and on being advised by James Latimer, esq. (now deceased) to apply to the state legislatures for exclusive rights, he took down his machinery, and secreted them until he should receive those exclusive rights; that it was after all this that Stroud discovered the elevator; and Marshall and Stroud attempted to make the hopperboy. He can find witnesses in the state of Delaware, and in Philadelphia to support the testimony of Evan Evans to whom all is well known. In coroboration he may procure copies of his petitions to the legislatures of Pennsylvania, Delaware, Maryland* and New-Hampshire, petitioning for the exclusive rights for twenty-one or twenty-five years, not only for his improvement on manufacturing flour, but for steam carriages of his invention; and also copies of the acts in his favor of Pennsylvania and Delaware for the mill improvements only, Maryland and New-Hampshire for steam waggons also for 14 years; too short a time, had it been for 30 years, steam boats and steam carriages might have been in use 20 years ago.

Thus your memorialist could shew what have been his pursuits, and he begs leave to refer to the secretary of state's office, to the specifications he has filed there of several other great discoveries, and he declares he has several others yet to file, which he fears he will not be able to put in operation, under the present patent laws and endless litigation.

These would shew to your honorable body the great improbability of those men having been the inventors, who now begin to claim the original discovery of your memorialist's patented improvement, as soon as the great profits thereof begin to appear.

Your memorialist acknowledges that he has raised the price of his license to use his inventions and improvements, as their value became known, from bestowing them gratis, with his thanks to those who would accept them to make their utility known, to 33$, 40$, 100$, up to his present demand, which

* In 1786, O. Evans petitioned the general assembly of Maryland, for a patent to secure an exclusive property in his mill machinery and steam carriage; and at April session, 1787, the assembly passed an act entitled "an act to grant to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this state the machinery herein described."

is the sum saved to the user in wages and boarding of hands for one year only, rating the wages and board of a miller at $300 per year; which is not more than one-eighth part of the full gain by the use for one year, for his license to use for and during his patent term.

That is, where the price of license is 300$, the gain by the use per year will be 2,400$, and for 14 years 33,600; out of which they pay 300$ for license. Your memorialist may defy John Worthington and others to produce an instance, in the world, of so low a charge for so great a benefit made by any patentee; and he denies their charge of having demanded 3,000$ for license for one mill, although he has heard that Elisha Tyson said so; he can prove that he demanded only 250$ per mill for 6 mills of said Elisha.

Your memorialist conceives it impossible for him to produce his proofs in due time before your honorable body, nor could congress devote the time necessary to hear the great mass of testimony, that would be produced. He therefore prays that the report of the recent trials in the circuit court of the United States, held at Baltimore; the testimony voluntarily given by James Stroud and Edward Marshall before a notary public; and the testimony of colonel Enoch Anderson taken before a judge, accompanying this memorial, be deemed and received as part of the same; and that he and John Worthington and others be referred with their cases back to the courts of the United States; and your memorialist will, with the consent of those of the memorialists who are infringing his patent right, commence suits against them to give them an early opportunity of proving in court that he is not the original inventor; and your memorialist will ever pray.

OLIVER EVANS.

Philadelphia, January 22, 1813.

1st. The agent of Oliver Evans in Baltimore, under authority from him, offered to sell a license to Elisha Tyson to use Evans' machinery complete for six pair of six feet stones, in a merchant mill of the most approved plan, for *fifteen hundred dollars*. It was to rate as five pair of stones, though the machinery was to be applied to all six, because it was supposed all would not ordinarily run at the same time; but it was expressly stated, that no further claim should be made, even if all six did sometimes run together. No other demand was ever made of said Tyson, or any of his sons, by Evans' agent; nor is it believed or pretended, that *any* ever was made through a different channel. This certificate is given by the agent, who has Tyson's and Evans' letters before him, on this subject—and which are the foundation of all that passed thereon.

2d. Evan Evans in his testimony, in the case of Evans *vs.* Robinson, stated, that in 1782 or 1783, while his brother Oliver Evans lived on the Eastern Shore of Maryland, the latter told him he had conceived a mode of elevating meal, as fast as it fell from the millstones, by a machine, consisting of buckets attached to a strap; which machine was to be moved by the water-wheel; that his brother soon after made a model of his elevator, of paper; and that he witnessed its first private experiments, in a mill which Oliver and his brothers built in Delaware; and that this was long anterior to any elevator being in use in Stroud and Marshall's mill. That his brother having long before described it to him, also put into operation, when the mill was built, a hopperboy, which was concealed from the public; the door which led to it being kept locked; and this was previous to any machine of the kind being set up in any neighboring mills or elsewhere, to his knowledge; and that when his brother was advised to apply to the legislatures of the adjoining states for exclusive rights to his discoveries [which was before the adoption of the federal constitution] he took down his hopperboy; the elevator had previously been kept concealed. That the first conveyor which his brother Oliver invented and combined with his other machinery was not a continued spiral screw,' but was a succession of ploughs placed transversely across the spiral line; and this conveyor was applied to convey the flour from where it falls from the mill-stones to the elevator; and that this conveyor, so constructed and applied, was not in operation in any other mill, that he ever saw, or heard of it, before it was so invented by his brother Oliver. Evan Evans lived with his brother when the machines aforesaid were invented.

3d. Samuel Wallace, of Delaware, who was a witness in the suit against Robinson, testified, that he lived with Oliver Evans when his first hopperboy was in operation; that he, Wallace, hung the door which led to the loft, where the hopperboy was placed, which was kept locked, and the key confided to his charge. He also stated that said Evans had then the model of an elevator, which was not put up. The machines were kept concealed until Evans could obtain patents from the state legislatures—He concurred with other witnesses, that it was notorious then that Evans was the inventor of the mill machinery.

4th. Thos. Philips, of Delaware, testified as to the universal belief that Oliver Evans was the inventor of the mill machinery; which he said was in use in his mill, and was an annual saving to him of $500 in labor, and, besides other profits and advantages, produced a gain of, from 50 to 60 cents on each barrel, in the superior quantity and quality of the flour manufactured.

5th. Levi Hollingsworth, formerly of Cœcil county, Md. now of Baltimore, gave evidence, among other things, that it was the general opinion through the country, at the time the improvements, in question, were introduced, that Oliver Evans was the first inventor thereof.

6th. Joseph Marshall, brother of Edw. Marshall, was a witness, on behalf of the defendant, in the case of Robinson, and gave similar testimony to his brother's, whose deposition is inserted at length.

7th. Col. Enoch Anderson, formerly of Delaware, now of Pennsylvania, in a written deposition, and orally on the trial aforesaid, stated that he was intimately acquainted with Oliver Evans from 1784, that he lived near to him, and had almost daily intercourse with him; that in that year Evans told him he could elevate, convey and cool meal and flour by machinery, as fast as it fell from the millstones, which machinery could be worked without manual labor; that he told him this before any machinery was set up in Stroud and Marshall's mill, or any other that he ever heard of; that when he saw machinery in the mills of Stroud and Marshall, they admitted it was originally invented by Evans, and said they had his permission to use it. He also details in his testimony many other and minute circumstances, relating to the progress of the invention.

8th. OLIVER EVANS, *vs.* SAM'L. ROBINSON, &c. } *In the circuit court for the fourth circuit of the United States, in and for the district of Maryland.*

James Stroud, a witness summoned on the part of the defendants, in consequence of the adjournment of the court, voluntarily testifies, and upon his solemn affirmation solemnly declares, that he is an inhabitant of New-Castle county in the state of Delaware, about fifty-three years of age, and has for near thirty years pursued the business of a miller, with only occasional interruptions, and understands the mechanism of mills for grinding wheat and other grain; he says the first he ever heard of elevators and hopper boys, for which the plaintiff has obtained a patent, was, to the best of his recollection, in the year seventeen hundred and eighty-four or seventeen hundred and eighty-five; that the first time he ever heard of the invention of elevators and hopper boys he understood they were invented by the plaintiff, Oliver Evans: and that the second time he conversed about such an invention was with the said Oliver Evans, who said that it was not only practicable to raise flour, &c. but that it was then in operation although the deponent had never then seen the machinery, nor had he ever heard of any other person inventing such machinery before the said Oliver Evans. That the first elevator he ever saw was in Marshall and Stroud's mill in New-Castle county, soon after the invention was made known, probably in the year seventeen hundred and eighty-five, that this elevator was principally erected under the care and direction of this affirmant, who had discovered as he believed the principles of the plaintiff's discovery, for which he [the plaintiff] had then no patent; that in the same mill he first saw a hopper boy, or machinery resembling a hopper boy, soon after the experiment of the elevator aforesaid; that this hopper boy was the production of the joint labor and invention of William Marshall and Samuel Stroud, the owners of said mill, and of the two sons of said William Marhall; on experiment it was found not to answer the desired purpose. Soon afterwards this affirmant had a conversation with Oliver Evans about his invention of the hopper boy, and one was made by this affirmant according to his [the said Oliver Evans'] plan; and another was put up according to the same plan in the mill of said Marshall and Stroud, and were found to answer better than any other invention or machinery that had ever been previously discovered or made according to the best of this affirmant's knowledge and belief, or has since been discovered to the best of his knowledge; it being the same now in general use. The affirmant further solemnly declares that from his own knowledge and observation, and from all that he has heard from others on the subject, he verily believes Oliver Evans was the first inventor of both the elevator and the hopper boy now in common use in mills for manufacturing flour from wheat; and that he so believed at the time he, the affirmant, was making such machinery in the year 1784 or 1785 above mentioned; as the first idea or notion of the same, was derived from him, the said Oliver Evans. The affirmant further says, that the invention of the elevator and hopper boy, with other improvements in making flour, for which the plaintiff has a patent, in his opinion saves one half the labor which otherwise would be necessary for carrying on the milling business; and also are causes of great saving, and do the work better than could be done by manual labor, in the mode practised before such inventions. That he hath known Oliver Evans ever since his inventions aforesaid, and was acquainted with the first trials and experiments of such inventions in said Marshall and Stroud's mill, and knows a great number of mills in which they are used, and that his [the said Oliver Evans'] claim to the originality of said inventions was never disputed in the neighborhood where they were so first tried, to this affirmant's knowledge, nor else where, that this affirmant knows of, until the cases now under trial.

(Signed) JAMES STROUD.

(L. S.) Affirmed and signed before me, this 10th November, 1812. SAMUEL STERETT, *Not. Pub. Baltimore.*

9th. Edw. Marshall, of New-Castle county, state of Delaware, being solemnly affirmed to speak the truth, declares and says, that he is about forty-eight years of age, and was instructed in the business of a miller in early life, and pursued the same generally as his profession; that about the years 1785 or 1786, this affirmant's father asked this affirmant what he thought of a machine that would take up the flour as fast as it was ground, to which this affirmant answered that he thought it impossible; when affirmant's father replied that Oliver Evans said he had invented such a machine. He says this was the first time he ever heard of the elevator; that about this time James Stroud, who rented the lower mill of William and James Marshall, and near to the mill of affirmant's father, said that he had found out the principle of the elevator, and supposed it to be Oliver Evans' plan, and this affirmant assisted in making one according to such discovery; that at first it did not work well, but it was altered so as to answer better. The affirmant says that, after making such elevator, Samuel Stroud invented a hop

perboy, which on trial did not answer the intended purpose. That this affirmant then altered the machinery of said Samuel Stroud, but still it would not answer all the purposes required, although much improved; he says that he never saw a perfect hopperboy before Oliver Evans' plan, and he verily believes, as he always hath done, that the said Oliver Evans is the original and true inventor of the hopperboy now commonly in use; and he also believes that said Oliver Evans is the first inventor of the elevator, now likewise in common use in mills for manufacturing flour. The affirmant further says, that his father paid to Oliver Evans a certain sum for the privilege of using his elevator and hopperboy, in the lower mill belonging to his said father, the receipt for which now is, or lately was, in the possession of this affirmant's brother.

(Signed) EDWD. MARSHALL.

Affirmed and signed before me the
(L. S.) 10th of November, 1812.
SAML. STERETT, *Not. Pub.*
Baltimore.

10th. *The following certificate was furnished to O. Evans, without his previous knowledge or request, but from the spontaneous motion of the persons who signed it, for the purpose of correcting some inadvertent expressions which had been drawn from them, by the persons named in it. It has been affirmed to by Mr. James Stroud in Philadelphia, in the absence of Mr. Edward Marshall.*

Staunton, New-Castle county, Del.
January 22, 1813.

This is to certify, that on the 5th day of January instant, Isaac M'Pherson, Samuel Stroud and Thomas Wetherspoon called on us to certify that Samuel Stroud's statements of the mill machinery was correct, and prepared a certificate for us to sign; which after some alterations, we did sign, but it being done in too much haste, and not knowing what use it was to be put to, we were not so particular as we should have been; and upon more deliberate consideration, since we got a copy of our certificate annexed to Samuel Stroud's statements, we find some points not agreeable to our minds, which we beg leave to correct to prevent injustice from taking place.

In the first place it appears in Samuel Stroud's statements, that "Oliver Evans called at the mill to see it, and said that he had planned in his head a similar set;" we declare that Oliver Evans had said that such a thing, as to hoist the meal as fast as the mill ground it, to convey it about the mill, cool, &c. could be done, and he could do it; this he said before James Stroud made the discovery of the elevator, from the screen strap, and before any hopperboy was made by Samuel Stroud or Edward Marshall; which we do not consider to be on the same principle; neither will it answer the same purpose as Evans' hopperboy: We do firmly believe, and it always appeared to be the belief of William Marshall, deceased, that Oliver Evans was the first inventor, and that we *lit* on it from his saying that it could be done, and that he could do it. For any thing else we refer to our depositions, given in Baltimore, which are correct; we could not obtain a copy of Samuel Stroud's statements and our certificate, until yesterday, or we would have wrote sooner.

(Signed) EDWARD MARSHALL,
JAMES STROUD.

A true copy from the original, duly
(L. S.) examined and compared,
BENJ. NONES, *Not. Pub.*
Philadelphia.

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11. The subscriber, unsolicited by, and unknown to OLIVER EVANS, feels it due to truth and justice to state his recollections of the mill machinery. He well remembers when at the *Brandywine mills*, they used to hoist the flour from the lower story to the loft, in large buckets or tubs, filled by shovels from the chests into which the flour fell from the mill-stones—he has also frequently seen a man employed at these mills in heaping the flour over the *hopper* to let it pass into the bolting cloth below. Born in the neighborhood of these mills, and passing his infancy and youth at *Wilmington*, within half a mile of them; and going there to swim and to skate, as well as for other juvenile amusements, the place presenting delightful advantages for their enjoyment, he has passed through those mills, or some of them, many hundred times, before and since the improvements were introduced. His young mind was much pleased to observe the little buckets (*the elevator*,) supplying the place of the larger one, above alluded to; and he was much amused to see the labors of the *hopperboy*, that spread, cooled and collected the meal, without manual labor, to the spot where it was wanted; nor was he less agreeably surprised at the operation of the *conveyor*, that, while it cooled the flour, passed it on to the place where the *elevator* caught it. He also recollects to have heard it stated that the introduction of this machinery would throw more than twenty persons out of employ at *Brandywine*—and always understood that these *innovations* on the old mode of manufacturing flour, were made by *Oliver Evans*.

While writing the above an old *schoolmate* is at my elbow, who has precisely the same recollections. Neither of us pretend to know that *Oliver Evans* really invented those things; but are very certain that *common*

fame gave him the credit of them at the time they were introduced at the *Brandywine mills.*

H. NILES,
Editor of the Register.

Baltimore, Feb. 10, 1813.

Estimate of Profits.

FROM THE FREEMAN'S JOURNAL.

On the trial of a cause in the circuit court of the United States, for the Maryland district, Baltimore, December 3d, 1812, *Oliver Evans* was plaintiff, *Samuel Robinson* defendant, which continued four days—one thousand eight hundred and fifty dollars damages were recovered by the plaintiff.

It was proved by the witnesses, that Evans' invention and improvements in the art of manufacturing flour, not only caused a saving of full one half of the labor of attendance, but manufactured the flour better, and made about twenty-eight pounds of superfine flour more to each barrel of flour than is made in the old way, equal at least to fifty cents gain to the miller on each barrel manufactured, besides various other profits and advantages.

In the old way, one miller for every ten barrels manufactured per day was at least required; with these improvements, one miller for every twenty barrels is sufficient, therefore for every twenty barrels manufactured per day one hand is saved.

Ellicott's mills on Gwin's Falls, two miles from Baltimore, with eight pair of seven feet millstones, make three hundred and twenty-five barrels per day, which divided by 20 give 16¼ hands saved, their wages and board rated at three hunded dollars per year each, is	$4,875
325 barrels per day, say for only two hundred days per year is, 65,000 barrels per year, which at fifty cents gain each barrel, as proved by the witnesses, is	32,500
Total gain by the use of the improvements in these mills per year	40,375
Ellicott's mills at Patapsco, make 185 barrels per day, and by the same rule of calculation, their gain by the improvements per year is	21,275
They (Ellicotts) have other mills near Baltimore, making about two hundred and fifty barrels per day, the gain in them is .	28,750
Total gained by the Ellicotts near Baltimore, by the use of these improvements in one year, is	92,400
They will have the benefits for the whole patent term, 14 years .	1,293,600
Elisha Tyson has used the improvements for twenty-two years, making seventy barrels of flour per day, his gain has been in that time	180,400

This shews the great value of labor-saving useful improvements, and how those gain that first begin to use them. Although a part of the gains may have found the way to the hand of the farmer and the consumer, yet it is evident that neither of the Ellicotts would accept the above sums, stated to be yearly gained, if tendered to them to abandon the use of the improvements, and continue the milling business, as usual.

It shews also, that those who have refused to use said improvements have suffered great loss, the profits of their labors have went into the hands of those who have used them.

Those great improvements were at first given away by the inventor, with his thanks to those who would take them gratis to shew their utility.

He now demands, as compensation, about one-eighth part of the sum the miller gains in one year by their use, or the sum saved in wages and board alone, in one year, for license to use them during his patent term. Perhaps there never was an instance of such low charges for so great a patented improvement.

☞ For full information on the arts of building mills, and manufacturing flour, with particular description of the most improved mill machinery, see Oliver Evans' book entitled, "The Young Mill-Wright's and Miller's Guide."

*** For further information on Steam and Steam Engines, see Oliver Evans' book entitled "The Abortion of the Young Steam Engineer's Guide."

FINIS.